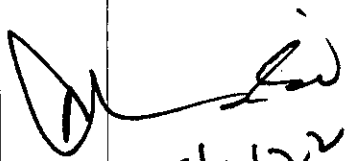


| S.No. | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary. |
|-------|-------------------------------|--|
| 1 | 2 | 3 |
| | 21 th April, 2022 | <p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 7610/2021</p> <p>Tasbeehullah, Ex-Constable No. 7683 FRP Bannu Range, Bannu. ... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none"> 1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar. 2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar. 3. The Superintendent of Police, FRP Bannu. ... (Respondents) <p style="text-align: center;"><u>ORDER</u></p> <p><u>KALIM ARSHAD KHAN CHAIRMAN.-</u> Learned Counsel for the appellant present and heard.</p> <p>2. This appeal has been filed against the order of respondent No. 3 dated 28.02.2008 received by the appellant on 01.08.2019, wherein it has been shown that the appellant had tendered resignation from police service w.e.f. 01.02.2008.</p> <p>3. Brief facts of the case as enumerated in the memo of appeal are that in the year, 2008 the appellant applied for leave due to severe illness of his father, leave was not granted but the appellant left the station due to the circumstances beyond his control. Later on his father died from the said illness. The appellant also met with accident on bike and got serious injuries also on head which had taken long treatment and the appellant after recovery from illness, filed departmental appeal on 25.03.2019 for</p> |

adjustment which was rejected vide order dated 20.06.2019 for the reason that the appellant had tendered resignation from service since 01.02.2008. The appellant filed Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 for reinstatement on 17.08.2019 but the same was also rejected vide order dated 23.08.2019, hence the present appeal on 12.10.2021.

4. Learned counsel for the appellant contends that under the relevant rules in case of willful absence a notice should have been issued to the appellant on his home address through registered acknowledgement for resumption of duty. If the same had been received back as undelivered, a notice should have been published in at least two leading newspapers directing him to resume duty within fifteen days but no such notice had been given to the appellant. He further contends that no charge sheet alongwith statement of allegations was served upon the appellant nor show cause notice was issued to him which were mandatory under the law. He further contends that the appellant had never tendered resignation but on malafide intention, the respondents had shown in the impugned order dated 28.02.2008 resignation of the appellant with effect from 01.02.2008 from police service. He requested that on acceptance of the appeal the impugned orders may be set aside and appellant may be reinstated in to service with all back and consequential benefits.

5. As provided by the relevant rules the appellant was obligated to submit a departmental appeal against the order, adversely passed against him on 28.02.2008, within 30 days. Instead, the appellant preferred departmental appeal on


25/9/22

01.08.2019 with enormous quite long and unexplained delay of more than 11 years. Alongwith the appeal, the appellant submitted an application for condonation of delay. Needless to note that the delay of each day has to be accounted for condonation of delay but the appellant failed to explain each and every day delay in filing departmental appeal as well as present appeal and in view of judgments reported as 2006-SCMR-453 and 2012-SCMR-195 the appeal in hand is not competent owing to such enormous delay in submission of departmental appeal. Similarly the impugned order on revision under Rule 11-A of the Police Rules, 1975 was passed on 23.08.2019 and this appeal has been filed on 18.10.2021 which too is badly barred by time and the inordinate delay has not at all been explained. Finding no merit in this appeal, it is dismissed in limine. Consign.

6. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 21st day of April, 2022.*

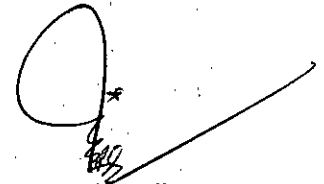


(KALIM ARSHAD KHAN)
Chairman

31.01.2022

Clerk of learned counsel for the appellant present.

Former requests for adjournment on the ground that learned counsel for the appellant is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 31.03.2022 before S.B.



(Mian Muhammad)
Member(E)

31st March, 2022

Junior to counsel for the appellant present. Seeks adjournment due to non-availability of learned senior counsel for the appellant. Adjourned. Last opportunity is granted. To come up for preliminary hearing on 20.04.2022 before S.B.



CHAIRMAN,

20th April, 2022

Counsel for the appellant present and heard. To come up for consideration tomorrow on 21.04.2022 before this S.B.



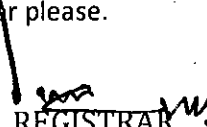

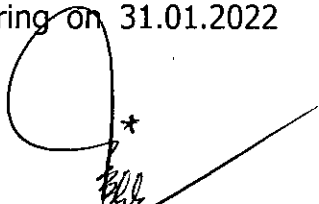
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7610 /2021


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 18/10/2021 | <p>The appeal of Mr. Tasbeeh Ullah resubmitted today by Mr. Syed Nouman Ali Bukhari. Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | | <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>08/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 08.12.2021 | <p>Clerk of learned counsel for the appellant present:</p> <p>Former requests for adjournment on the ground that learned counsel is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 31.01.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p> |

The appeal of Mr. Tasbeehullah Ex-Constable No. 7683 FRP Bannu received today i.e. on 12.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rule 1974.
2. Affidavit may be got attested by the Oath Commissioner.
3. Copy of impugned order dated 01.02.2008 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
4. Annexures-A, (F) and H of the appeal are illegible which may be replaced by legible/better one.

No. 2055 /S.T,

Dt. 12/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sye Noman Ali Bukhari Adv. Pesh.

Sir

① Remand. Complete Advice is given

② Remand.

③ Annexure F⁰¹⁻⁰²⁻²⁰⁰⁸ is impugned order.

④ Remand



1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 7610 /2021

Tasbeehullah, Ex-Constable No: 7683 FRP
Bannu Range Bannu.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7721

Dated 12/10/2021

.....(Appellant)

VERSUS

1. The Provincial Police officer, KP Peshawar.
2. Commandant Frontier Reserve Police, KP, Peshawar.
3. The Superintendent of police FRP Bannu.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO. 3 DATED 01.02.2008 RECEIVED BY THE APPELLANT ON 01.08.2019 WHEREBY, SHOWN THE APPELLANT RESIGNED FROM SERVICE AND AGAINST REJECTION ORDER DATED 20.06.2019 AND AGAINST 11-A REJECTION ORDER DATED 23.08.2019 RECEIVED BY THE APPELLANT ON 31.08.2021.

Filed to-day
Registrar
12/10/21

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 01.02.2008, 20.06.2019 AND 23.08.2019 NEVER COMMUNICATED TO THE APPELLANT BUT THE APPELLANT RECEIVED THE SAME BY HAND MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL

Re-submitted to -day
and filed.
Registrar
12/10/21

②

**DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as constable Police Deptt and had been serving at District Bannu. **Copy of appointment order is attached as annexure-A.**
2. That in 2008 appellant applied for the leave due to severe illness of his father, leave was not granted but the appellant leave the station due to the circumstances beyond his control, Later on father of appellant was died from the same illness. It is added that when appellant leave station the appellant met with the accident on bike and get serious injuries also on head which takes long treatment and at least the appellant was fully recovered on 02.03,2019. the appellant who had to seek persistent medical care and advice thus remained under treatment for a protracted period of time. Therefore, appellant didn't perform his duties so the absentia of the appellant was not willing full but due to above mentioned reasons. **Copy of Father medical certificate and appellant medical certificates is attached as annexure-A & B.**
3. That the appellant after recovery from the illness, filed departmental appeal on 25.03.2019 for adjustment within one month after fitness certificate, the same was rejected vide order dated 20.06.2019 for the reason that the appellant resign from the service in year 2008 malafidely because the appellant never submit resignation from service. After communication of order 20.06.2019 on 05.07.2019 file application on 01.08.2019 for resignation record but in response the deptt, only handed over the roznamcha report dated 01.02.2008. The appellant after getting the same file revision under 11-A for re-instatement on 17.08.2019 but the same was also rejected by the AIG vide order dated 23.08.2019 received by the appellant by his own efforts on 24 june 2020. The appellant been aggrieve now come to this august Tribunal on the following grounds amongst others. **(Copy of departmental appeal, rejection order, roznamcha, review and rejection order are attached as annexure-C, D, E,F &G).**

3
FOUNDATIONS:

- A) That the impugned orders dated 01.02.2008, 20.06.2019 and 23.08.2019 received by the appellant by his own efforts on 24 June 2020 is against the law, facts, norms of justice and void-ab-initio and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard in violation of Article 10-A of the Constitution of Islamic republic of Pakistan and in violation of maxim "Audi Alterum Partum" and has not been treated according to law and rules. That according to reported judgment cited as *2019 CLC 1750* stated that Audi Alterum Partum" shall be read as part and parcel of the every statute. The same principle held in the Superior Court judgments cited as 2016 SCMR 943, 2010 SCMR 1554 and 2020 PLC(cs) 67, where in clearly stated that the penalty awarded in violation of maxim "Audi Alterum Partum" is not sustainable in the eye of law.
- C) That impugned order was based on willful absence, so, for the willful absence procedure is provided in Rule 8-A of the E&D rule 1973, which is so much crystal clear. The authority before imposing major penalty also violates the procedure of Rule 8-A. So the impugned order is defected in eye of law.
- D) That according to Federal Shariyat court Judgment cited as *PLD 1989 FSC 39* the show cause notice is must before taking any adverse action, non-issuance of show cause notice is against the injunction of Islam. Hence the impugned order is liable to be set-aside.
- E) That the show cause is the demand of natural justice before taking adverse action and also necessary for fair trial and also necessary in light of injunction of Quran and Sunnah but show cause was not served to the appellant (show cause given to the appellant but with

the impugned order) which is malafide on the part of the deptt. So, fair trail denied to the appellant which is also violation of Article 10-A of the constitution. Further it is added that according to reported judgment cited as *1997 PLD page 617* stated that every action against natural justice treated to be void and unlawfully order. Hence impugned order is liable to be set-aside. The natural justice should be considered as part and parcel according to superior court judgment cited as *2017 PLD 173 and 1990 PLC cs 727.*

- F) That the appellant has been condemned unheard and has not been treated according to law and rules.
- G) That there was no reasons for the appellant to tender resignation from his service which was the only service of earning his livelihood in these hard days of life , and to left him and his entire family to starvation.
- H) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- I) That whenever factual controversy involved in the matter the regular inquiry is must to dig out the real fact. But in the instant case the deptt did not take pain to conduct the regular inquiry so the appellant remains condemned unheard.
- J) That no record of resignation and acceptance of resignation existed in the police deptt but only the roznamcha which was also never communicated to the appellant, so has no legal value in the eye of law.
- K) That when merit of the appeal is strong the limitation cannot come in the way of justice to determined the right of the parties and when

5


appellant remains condemned unheard then the limitation shall also be condoned, the same principle held by the Service Tribunal in the judgment dated 09.11.2020 delivered in Appeal no: 630/2018 and judgment dated 08.09.2021 delivered in Appeal no: 317/2017, So the appellant is also entitled to the same relief being on same footing. **Copy of judgments is attached as annexure-H & I.**


- L) That the absent of the appellant was not intestinally but due to serious illness. So the penalty imposed upon the appellant was so harshed.
- M) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- N) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Tasbehullah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATES, HIGH COURT
PESHAWAR


UZMA SYED
ADVOCATE, HIGH COURT

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


Deponent

~~DEPONENT~~

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The EṢTA CODE.
3. Any other case law as per need.

NS

**(SYED NOMAN ALI BUKHARI)
· ADVOCATE HIGH COURT**

7

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Tasbehullah

V/S

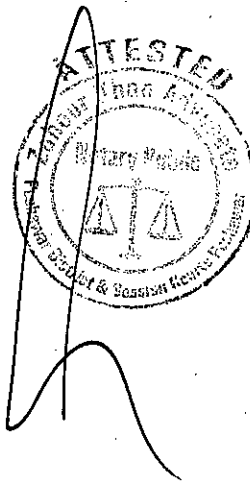
Police Deptt:

AFFIDAVIT

I, Tasbehullah , (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.


DEPONENT

Tasbehullah



8

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2021

Tasbehullah

V/S

Govt Of KP

**APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL**


RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honorable Tribunal in which no date has been fixed.
2. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.
3. That the impugned order was passed with retrospective effect which was not admissible and void order according to Supreme Court Judgment reported as 2007 PLD (CS) 52(F) & 1985, SCMR, 1178.
4. That according to Superior Court Judgment there is no limitation run against the void order. So there is in interest of justice the limitation may be condoned
5. That due to spread of the pandemic disease the appellant was unable to submit appeal in time therefore it is requested to treat the limitation under S-30 of KP Epidemic Control And Emergency Relief Act 2020, otherwise, the appeal of the appellant on merit is good enough to be decided on merits.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay under S-30 of KP Epidemic Control And Emergency Relief Act 2020,, to meet the ends of justice.


APPELLANT
Tasbehullah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATES, HIGH COURT
PESHAWAR

(A)

Better Copy**ORDER**

In compliance with the worthy Provincial Police Officer NWFP, Peshawar Endst No. 8373-88/A-iii. 1225-600/A-iii, 5200-300/A-iii dated 9.06.2007, 10.09.2007 and 22.09.2007 and Commandant FRP NWFP, Peshawar Endst No. 5306-13/OASI dated 10.10.2007. The following FR Recruits Constables are hereby allotted new Constabulary Numbers accordingly noted against each.

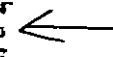
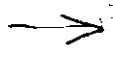
| Case No. | Name | Old Constabulary No. | New Allotted Constabulary No. |
|----------|----------------------|----------------------|-------------------------------|
| 1. | Mohammad Akhtar Zama | 5607 | 1762 |
| 2. | Rasta Baz Khan | 5608 | 1763 |
| 3. | Fida Ullah | 5609 | 1764 |
| 4. | Muhammad Arif Khan | 5610 | 1765 |
| 5. | Sakhi Jan | 5611 | 1766 |
| 6. | Ikram Ullah | 5612 | 1767 |
| 7. | Parvez Khan | 5613 | 1768 |
| 8. | Shahid Khan | 5614 | 1769 |
| 9. | Abdul Rehman | 5615 | 1770 |
| 10. | Zakir Ullah | 5616 | 1771 |
| 11. | Naimat Ullah | 5617 | 1772 |
| 12. | Raqiaz Khan | 5620 | 1773 |
| 13. | Waqas Ahmad | 5621 | 1774 |
| 14. | Rafi Ullah | 5622 | 1775 |
| 15. | Naqib Ullah | 5623 | 1776 |
| 16. | Khanzada | 5624 | 1777 |
| 17. | Malik Sher Khan | 5625 | 1778 |
| 18. | Sajjad Khan | 5626 | 1779 |
| 19. | Muhammad Ibrahim | 5627 | 1780 |
| 20. | Abdul Razaq Khan | 5628 | 1781 |
| 21. | Khuja Usman | 5629 | 1782 |
| 22. | Faisal Nawaz | 5630 | 1783 |
| 23. | Fawad Khan | 5631 | 1784 |
| 24. | Safid Ullah | 5632 | 1785 |
| 25. | Abid Noor | 5633 | 1786 |
| 26. | Qayum Khan | 5634 | 1787 |
| 27. | Asad Ullah | 5635 | 1788 |
| 28. | Kirammat Ullah | 5636 | 1789 |
| 29. | Amin Ullah | 5637 | 1790 |
| 30. | Muhammad Anwar | 5638 | 1791 |
| 31. | Sifatullah | 5639 | 1792 |
| 32. | Waqar Ahmad | 5640 | 1793 |
| 33. | Gul Akbar Shah | 5641 | 1794 |
| 34. | Shah Daraz Khan | 5642 | 1795 |
| 35. | Rafiullah | 5643 | 1796 |
| 36. | Shafi Ayaz | 5644 | 1797 |
| 37. | Asif Khan | 5645 | 1798 |
| 38. | Saif Ullah | 5646 | 1799 |
| 39. | Nasir Khan | 5647 | 1800 |
| 40. | Mir Dar Ali | 5648 | 1801 |
| 41. | Yuanas Khan | 5649 | 1802 |
| 42. | Muhammad Ilyas Khan | 5650 | 1803 |
| 43. | Farhatullah | 5651 | 1804 |
| 44. | Banaras Khan | 5652 | 1805 |
| 45. | Hafizullah | 5653 | 1806 |
| 46. | Bakhta Zeb Khan | 7672 | 1807 |
| 47. | Muhammad Hashim | 7673 | 1808 |
| 48. | Hamid Mehmood | 7674 | 1809 |
| 49. | Naseebullah | 7676 | 1810 |
| 50. | Khalid Khan | 7677 | 1811 |
| 51. | Feroz Khan | 7678 | 1812 |
| 52. | Malik Dad | 7679 | 1813 |
| 53. | Imran Khan | 7680 | 1814 |
| 54. | Muhammad Zubir | 7681 | 1815 |
| 55. | Sajjad Kamal | 7682 | 1816 |
| 56. | Tasbih Ullah | 7683 | 1817 |
| 57. | Rahil Khan | 7684 | 1818 |

دوران لکچر

بیلڈ لکچر

کتاب

| | | |
|-----|--------------------|------|
| 1 | Abdullah Khan | 1001 |
| 2 | Abdul Majid Khan | 1002 |
| 3 | Abdul Wahid Khan | 1003 |
| 4 | Abdul Qadir Khan | 1004 |
| 5 | Abdul Karim Khan | 1005 |
| 6 | Abdul Ghaffar Khan | 1006 |
| 7 | Abdul Hameed Khan | 1007 |
| 8 | Abdul Wahid Khan | 1008 |
| 9 | Abdul Majid Khan | 1009 |
| 10 | Abdul Karim Khan | 1010 |
| 11 | Abdul Ghaffar Khan | 1011 |
| 12 | Abdul Hameed Khan | 1012 |
| 13 | Abdul Wahid Khan | 1013 |
| 14 | Abdul Majid Khan | 1014 |
| 15 | Abdul Karim Khan | 1015 |
| 16 | Abdul Ghaffar Khan | 1016 |
| 17 | Abdul Hameed Khan | 1017 |
| 18 | Abdul Wahid Khan | 1018 |
| 19 | Abdul Majid Khan | 1019 |
| 20 | Abdul Karim Khan | 1020 |
| 21 | Abdul Ghaffar Khan | 1021 |
| 22 | Abdul Hameed Khan | 1022 |
| 23 | Abdul Wahid Khan | 1023 |
| 24 | Abdul Majid Khan | 1024 |
| 25 | Abdul Karim Khan | 1025 |
| 26 | Abdul Ghaffar Khan | 1026 |
| 27 | Abdul Hameed Khan | 1027 |
| 28 | Abdul Wahid Khan | 1028 |
| 29 | Abdul Majid Khan | 1029 |
| 30 | Abdul Karim Khan | 1030 |
| 31 | Abdul Ghaffar Khan | 1031 |
| 32 | Abdul Hameed Khan | 1032 |
| 33 | Abdul Wahid Khan | 1033 |
| 34 | Abdul Majid Khan | 1034 |
| 35 | Abdul Karim Khan | 1035 |
| 36 | Abdul Ghaffar Khan | 1036 |
| 37 | Abdul Hameed Khan | 1037 |
| 38 | Abdul Wahid Khan | 1038 |
| 39 | Abdul Majid Khan | 1039 |
| 40 | Abdul Karim Khan | 1040 |
| 41 | Abdul Ghaffar Khan | 1041 |
| 42 | Abdul Hameed Khan | 1042 |
| 43 | Abdul Wahid Khan | 1043 |
| 44 | Abdul Majid Khan | 1044 |
| 45 | Abdul Karim Khan | 1045 |
| 46 | Abdul Ghaffar Khan | 1046 |
| 47 | Abdul Hameed Khan | 1047 |
| 48 | Abdul Wahid Khan | 1048 |
| 49 | Abdul Majid Khan | 1049 |
| 50 | Abdul Karim Khan | 1050 |
| 51 | Abdul Ghaffar Khan | 1051 |
| 52 | Abdul Hameed Khan | 1052 |
| 53 | Abdul Wahid Khan | 1053 |
| 54 | Abdul Majid Khan | 1054 |
| 55 | Abdul Karim Khan | 1055 |
| 56 | Abdul Ghaffar Khan | 1056 |
| 57 | Abdul Hameed Khan | 1057 |
| 58 | Abdul Wahid Khan | 1058 |
| 59 | Abdul Majid Khan | 1059 |
| 60 | Abdul Karim Khan | 1060 |
| 61 | Abdul Ghaffar Khan | 1061 |
| 62 | Abdul Hameed Khan | 1062 |
| 63 | Abdul Wahid Khan | 1063 |
| 64 | Abdul Majid Khan | 1064 |
| 65 | Abdul Karim Khan | 1065 |
| 66 | Abdul Ghaffar Khan | 1066 |
| 67 | Abdul Hameed Khan | 1067 |
| 68 | Abdul Wahid Khan | 1068 |
| 69 | Abdul Majid Khan | 1069 |
| 70 | Abdul Karim Khan | 1070 |
| 71 | Abdul Ghaffar Khan | 1071 |
| 72 | Abdul Hameed Khan | 1072 |
| 73 | Abdul Wahid Khan | 1073 |
| 74 | Abdul Majid Khan | 1074 |
| 75 | Abdul Karim Khan | 1075 |
| 76 | Abdul Ghaffar Khan | 1076 |
| 77 | Abdul Hameed Khan | 1077 |
| 78 | Abdul Wahid Khan | 1078 |
| 79 | Abdul Majid Khan | 1079 |
| 80 | Abdul Karim Khan | 1080 |
| 81 | Abdul Ghaffar Khan | 1081 |
| 82 | Abdul Hameed Khan | 1082 |
| 83 | Abdul Wahid Khan | 1083 |
| 84 | Abdul Majid Khan | 1084 |
| 85 | Abdul Karim Khan | 1085 |
| 86 | Abdul Ghaffar Khan | 1086 |
| 87 | Abdul Hameed Khan | 1087 |
| 88 | Abdul Wahid Khan | 1088 |
| 89 | Abdul Majid Khan | 1089 |
| 90 | Abdul Karim Khan | 1090 |
| 91 | Abdul Ghaffar Khan | 1091 |
| 92 | Abdul Hameed Khan | 1092 |
| 93 | Abdul Wahid Khan | 1093 |
| 94 | Abdul Majid Khan | 1094 |
| 95 | Abdul Karim Khan | 1095 |
| 96 | Abdul Ghaffar Khan | 1096 |
| 97 | Abdul Hameed Khan | 1097 |
| 98 | Abdul Wahid Khan | 1098 |
| 99 | Abdul Majid Khan | 1099 |
| 100 | Abdul Karim Khan | 1100 |



Handwritten signature or mark at the bottom right corner.

Muhammad Ibrahim

(11)

O.B No.

853

Date

3/12/07

No.

7961-66

/Dated Bannu, the 15/12/2007

Copy to the:

1. Commandant FRP NWFP, Peshawar for favour information in necessary action
2. Incharge, P.R Mardan Center for information
3. PO/SRC, OASI for information in necessary action

District Police Officer
Bannu

District Police Officer
Bannu

بیماری

۱۲

Annexure-A

Istehqaq Certificate

HEALTH CARE (PROVINCIAL)

For use by LZC of permanent residence of a mustahiq

Certificate No. _____

Issuance Date: _____

Local Zakat Committee: _____

Code No. _____

Area: _____

Post Office: بازار احمد خان

Tehsil: بیرون

District: بیرون

It is certified that Mr./Ms واسمہ بیگم S/O DO گل بیگم holder
of NIC No. _____ resident of Mohallah عسلی Village/Area ماہی پل
Tehsil بیرون District بیرون is poor person and could not meet the
expenditure on his/her treatment. His/Her Istehqaq has been determined for free medical treatment
and his/her name has been entered in the Mustahiqeen Register at page No. _____. The Istehqaq
Certificate will be valid when a registered practitioner will diagnose his illness and he/she is provided
treatment.

Usama Ishaq

Chairman
Hassanabad
Code: 305/025
Signature of Chairman

Name: Usama Ishaq
LZC: Hassanabad

Certified that signature of Chairman, LZC is correct to the best of my knowledge.

Usama Ishaq
Chairman District Zakat Committee/
District Zakat Officer

Patient was examined today. He/she is a patient of _____ His/Her treatment will continue for
_____ days. Mustahiq has been provided medicines out of Zakat fund.

Signature: _____
Name of Doctor: _____
Hospital: _____

Usama Ishaq

فارم ایل زید 11

(رجسٹر مستحقین)

صفحہ نمبر

تصدیق شدہ فوٹو
یا
شناختی کارڈ کی فوٹو کاپی
خواتین کے لئے
نشان انگوٹھا دستخط

نام _____ ولدیت _____
قومی شناختی کارڈ نمبر _____
عمر _____ سال _____
زیر کفالت افرادی تعداد _____

گزارہ الاؤنس (برائے بیوہ، معذور، یتیم، بے سہارا، بوڑھے) برائے جہیز، آباد کاری،
دعائے عیال و علاج معالجہ اور دیگر متفرق مالی امداد۔

کیفیت مستحق

حوالہ اجلاس استحقاق مقامی زکوٰۃ کمیٹی

برائے سال _____

(۲) کوڈ نمبر _____

(۱) نام مقامی زکوٰۃ کمیٹی _____

(۳) بینک برانچ _____

(۳) اکاؤنٹ نمبر _____

| کیفیت مستحق کا اندراج یہاں کیا جائے | دستخط جہیز میں بمعدہ متعلقہ نمبر | دستخط یا نشان انگوٹھا وصول کنندہ | تاریخ ادائیگی | چیک نمبر بمعہ رقم جو ادا کی گئی (لفٹوں اور ہندسوں میں) | نمبر شمار |
|--|-------------------------------------|-------------------------------------|---------------|---|-----------|
| Usama Ishaq Ch... Hassan Code | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

ATTACHED

بیان حلفی

(برائے علاج معالجہ)

میں اللہ تعالیٰ کو حاضر و ناظر جان کر حلفاً بیان دیتا ہوں کہ میں بیت المال سے امداد کا کی مستحق ہے۔ میرے کنبے کی ماہانہ آمدنی _____ روپے ہے۔ غربت کی وجہ سے علاج معالجہ کے اخراجات برداشت نہیں کر سکتا ہوں۔ پاکستان بیت المال سے علاج معالجہ کے لیے مالی امداد کا کی طلبگار ہوں۔ اگر میرا بیان ا کوائف غلط ثابت ہوئے تو میں پاکستان بیت المال کی امداد واپس کروں گا گی۔ مزید برآں پاکستان بیت المال میرے خلاف قانونی کارروائی کا حق رکھتا ہے۔

نام درخواست گزار: راستہ باز خان ولدیت ازوجیت گل شاہ دین خان شناختی کارڈ نمبر
پتہ: مکان لبر 5، گلی لبر 5، لین لبر 8، جسٹس محمد اور اسلام آباد 7-1471919-11101
فون اموبائل نمبر: 0333 9960757

دستخط انشان انگوٹھا

میں درخواست دہندہ کو ذاتی طور پر جانتا ہوں اور اللہ تعالیٰ کو حاضر و ناظر جان کر حلفاً گواہی دیتا ہوں کہ درخواست دہندہ غریب اور بیت المال سے امداد کا مستحق ہے۔

گواہ (2)

گواہ (1)

نام گواہ: اصغر خان ولدیت: سر دراز خان نام گواہ: خالد محمد ولدیت: محمد رفیق
شناختی کارڈ نمبر: 7-1471001-11101 (بمعاہ) شناختی کارڈ نمبر: 1-9076582-21506 (بمعاہ)
پتہ: مکان لبر 5، رائیل ایونیو پادک روڈ پتہ: الجمہ نائن برائیل فرانس ٹاؤن سٹیٹ 2
فون اموبائل نمبر: 0332 5708095 اسلام آباد فون اموبائل نمبر: 0333 9725666
دستخط: [Signature] دستخط: [Signature]

تصدیق کنندہ

تصدیق کی جاتی ہے کہ میں درخواست دہندہ کو ذاتی طور پر جانتا ہوں، جو کہ بیت المال سے امداد کا مستحق ہے۔ درخواست دہندہ کے معاشی حالات کو مد نظر رکھتے ہوئے پاکستان بیت المال سے علاج معالجہ کے استحقاق کی تصدیق کی جاتی ہے۔

نام تصدیق کنندہ: مدرسہ الیاس شناختی کارڈ نمبر: 6110118556643
فون اموبائل نمبر: 0333-5138255 دستخط بمعہ مهر: [Signature]
نوٹ: اس فارم کو پارلیمینٹرن، گنہڈ آفیسر، پاکستان بیت المال کے متعلقہ ضلعی افسر یا متعلقہ انکوائری افسر تصدیق کرنے کے لیے پیش کرنا چاہئے۔

(نیز چیئر مین زکوٰۃ کمیٹی، نمبر دار، نان گزیٹڈ اور ریٹائرڈ افسران تصدیق کرنے کے مجاز نہیں)

(MUDASSAR ILYAS)
Inland Revenue Audit Officer
Regional Tax Office
Islamabad

ATTACHED

Dr. Azhar Saeed

M.B.B.S., F.C.P.S.

CONSULTANT PHYSICIAN
& TRANSPLANT PHYSICIAN

15



THE KIDNEY CENTRE
AL-SAYED HOSPITAL (PVT) LTD.

1- Hill Park, Opp. Ayub Park (Play-land), Jhelum Road,
Rawalpindi-Pakistan. Tel: +9251-5486 807, 5450 741-2,
5488 330, 5488 331, 5488 332. Fax: +9251-5488 030.
E-mail: mhshah@hotmail.com

S. Saeed

Date: 31/9/09

Rt lymphadenopathy
to Rt lymphadenitis

Dr. Adnan
My concern to
the doctor -

My mother in law -

ORS

- with PE, CS

From her to Urologist in morning

Dr. Saeed

AT: [Signature]



شفا انٹرنیشنل ہسپتال اسلام آباد

Shifa International Hospitals Ltd.

Sector : H-8/4, Islamabad - Pakistan

Tel : 051-8463000, 8463073, 8463660

Fax : 051-4863182 Cell: 0321-8553580

16

Dr. Col (R) Saleem Siddiqui

M.B.B.S., F.R.C.P. (Canada) F.C.C.P. (U.S.A.)

Diplomate American Board of Internal Medicine

Diplomate American Board of Medical Oncology

Consultant Hematology & Oncology

11.7.08

Haji Rastbaz

DA-26-79

Visitant 400my Tal

2 دوسری پر دور

Dr. Col (R) Saleem Siddiqui
M.B.B.S., F.R.C.P. (Canada) F.C.C.P. (U.S.A.)
Diplomate American Board of Internal Medicine
Diplomate American Board of Medical Oncology
Consultant Medical Oncologist

ATTENDED



شفا انٹرنیشنل ہسپتال اسلام آباد

Shifa International Hospitals Ltd.

Sector : H-8/4, Islamabad - Pakistan

Tel : 051-8463000, 8463073, 8463660

Fax : 051-4863182 Cell: 0321-8553580

Dr. Col (R) Saleem Siddiqui

M.B.B.S., F.R.C.P. (Canada) F.C.C.P. (U.S.A.)

Diplomate American Board of Internal Medicine

Diplomate American Board of Medical Oncology

Consultant Hematology & Oncology

17

9.9.08

Haji Rastabag Khan

DA-26-79

MR NO# DA-2679

Prigace 160mg

1+1

Motilium Tab

1+1+1

Omega 40mg cap

روسیٹ 40mg ٹبل
- roscout 40mg tab

Saleem

Dr. Col (R) Saleem Siddiqui
M.B.B.S., F.R.C.P. (Canada) F.C.C.P. (U.S.A.)
Diplomate American Board of Internal Medicine
Diplomate American Board of Medical Oncology
Consultant Medical Oncologist

ATTACHED

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: Q. J. J. J.

OPD No: 15017 139958

Date: 19-2-2009

Advised
small x-ray

H/A
R/A
Head injury
Both feet
pain
BP - 130/90
Pulse 80

Amy
Medical Officer
Quartermaster Hospital
Bannu

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: [Signature]

OPD No: 12600

Date: 3-11-2009 189947

- Fits
- Headache
- fever
- Neck stiffness
- Meningitis

Rx
 inj. ceftriaxone 1gm BD
 inj. Omeprazole 40mg OD
 inj. RIL SUCRAL 1/4
 inj. Provera 20s

Advised 9 months of
strict bed rest

[Signature]
Medical Officer
Quartermaster Hospital
Bannu

M.T. DHQ Teaching Hospital Bannu

Out Patient Department

20

Name: Tarbiyahkhat

OPD No: 5090

Date: 5-6-2010

189954

Microbiology

Rx: 250 ceftriaxone 19 BD

250 mg Provas 603

250 mg Orizol OD

R.L. 50mg BP

Mi

District Hospital

~~ADMITTED~~

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: M. T. I. D. H. Q. Bannu

OPD No: 9150 139053

Date: 7-9-2011

Meningitis

Rx. 2ij ceftriaxone ^{ig} i.v. B.D.
2ij parvos SOS
2ij omeprazole OD
R.L. 500cc OD

M. T. I. D. H. Q.
Medical Specialist
Distt. Hospital Bannu

M.T.I DHQ

Out Patient Department

Name: Tashe Allah

OPD No: 4150

Date: 23-2-2012

139956

Δ-Meningitis

Rx. 2ij ceftriaxone ^{ig} B.D.
2ij parvos SOS
2ij omeprazole OD
R.L. 500cc OD

M. T. I. D. H. Q.
Medical Specialist
Distt. Hospital Bannu

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: _____

OPD No: 7020 189948

Date: 7-1-2013

- Fever
- Headache
- Rash
- Neck stiffness
- Fits
- Meningitis

Rx
 Inj. ceftriaxone 1gm BD
 Inj. omeprazole 40mg OD
 Inj. RIL 500ml BD
 Inj. Provas 80s
 Inj. Toradol 80s
 Inj. ... 80s

used 4 months of bed rest.

Medical Officer
 Hospital
 Bannu

M.T.I DHQ Teaching Hospital

Out Patient Department

Name: _____

OPD No: 21477 181701

Date: 20-6-2014

- Hx of Fever
- Fits
- Neck stiffness
- Meningitis

Rx
 Inj. ceftriaxone 1gm BD
 Inj. RIL 500ml BD
 Inj. Provas 80s
 Inj. Omeprazole 40mg OD
 Inj. Toradol 80s

Advised 4 months of strict bed rest.

Medical Officer
 Hospital
 Bannu

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: [Signature]

OPD No: 17080 **189057**

Date: 16-02-2016

Hx of:
Meningitis

Rx
- 4g ceftriaxone 1gm qd B.P.
- 100mg dexamethasone 12 BD
- 100mg paracetamol qd
- 100mg ibuprofen qd

[Signature]

Hospital

M.T.I DHQ
Out Patient Department

Name: [Signature]

OPD No: 6380 **181001**

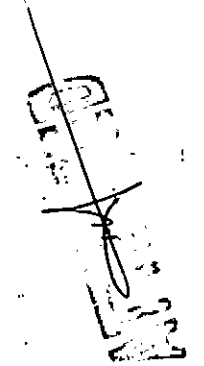
Date: 3-7-2015

Hx of Meningitis

cf
- Fever
- Back pain
- neck stiffness

o/e
- Temp: 99.8 F
- RR: 110/min
- chest clear
- neck stiffness

Rx
- Cap. Ibuprofen 250
- Tab. Paracetamol 100
- Tab. Ibuprofen 100
- Cap. Risedal 40



22

M.T.I.DHQ Teaching Hospital-Bannu

Out Patient Department

Name: _____

OPD No: 22900 202202

Date: 29-10-2016

- Fever
- Neck stiffness
- Rash
- Δ meningitis

Rx
 Inj. ceftriaxone 1gm BD
 Inj. Omeprazole 40mg OD
 Inj. R/L 500ml SOS
 Inj. Provas SOS

Advised 4 months of
 strict bed rest

[Signature]
 Medical Officer
 M.T.I.DHQ Hospital
 Bannu

ATTACHED

M.T.I DHQ Teaching Hospital Bannu

Out Patient Department

Name: _____

OPD No: 20130 218632

Date: 4-7-2018

- Fits
- Fever
- Neck stiffness
- Rash
- Δ Meningitis

Rx
Inj. ceftriaxone 1gm BD
Inj. RAL 500ml. BD
Inj. Ometid 40mg OD
Inj. Provas 805
Inj. corcecol 505

Advise @ments of
strict bed rest.

Medical Officer
Dist. Headquarter Hospital
Bannu

22

M.T.I DHQ Teaching Hospital Ba
Out Patient Department 21807

Name: W. J. [Signature]
OPD No: 6330
Date: 2.3.2019

- CASE of meningitis
- Has taken full treatment

To whom it may concern.

It is here by stated that Mr. Fakh
Ullah has taken full treatment of
meningitis. and now find fit after
thorough examination & investigation.

He needs no more treatment
and is able to join his duty
back.

ATTES/ED

[Signature]
Medical Officer
HQ Bannu Hospital
Bannu

خدمت فادگانہ کا فرم FRP

رہنماست برادری مالی FRP نوکس بیڈ 1817 سنہ
شیخ الحدیث خان ولد درویش بازان صاحب نانہ محل عسکری
محکمہ و فلوہ بنوں

فادگانہ

سائیل صاحب ذیل عرفی رہنما

یہ سائیل حکم عدالت میں کاشی پلاٹوں کے لیے
1817 (تاریخ 17683) میں کوئی سرکاری کام نہ کیا گیا
سائیل خان والد صاحب 2008 میں تہہ بجا ہوا۔

یہ سائیل خان والد صاحب کے حق تعالیٰ کی طرف سے

دستخطات منقولہ میں آیا کہ اس پر سائیل خان
غیر حافی کے والد صاحب کی

یہ سائیل خان 2008 میں سائیل خان صاحب کے
اسعدیہ میں سائیل خان کے ذمہ لیا گیا۔ حقیقت یہ
فادگانہ ہے

یہ سائیل خان کا پورا مال 2008 میں حافی کے ذمہ

درجہ کا ہے سائیل خان کے فٹنس سرٹیفکیٹ

CPW

۵۳۳۵ ۸۲۰۴۲۹۳

۵۵-۳-۸۱۹

۱۸۱ FAR ۱۸۱

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۱۱۶/۵۲۸۶۵۳۱-۵

۵۳

جناب عالی:

گزارش ہے کہ سائل 2009 میں برخاست کنندہ ہے۔ سائل خود کو سروس پر بحال ہونا چاہتا ہے۔
اس لیے سائل کو آرڈر بک کاپی کی اشد ضرورت ہو چکی ہے۔ علاوہ ازیں جس کے سبب سائل پولیس فورس سے
ڈسمس ہو چکا ہے۔ (کاپی لف ہے)

لہذا آپ صاحبان سے استدعا ہے کہ آرڈر شدہ بک سے ایک کاپی کی فوٹو سٹیٹ دیے جانے کا
حکم صادر فرمائی جائے۔

عین نوازش ہوگی

مورخہ 01/08/2019

العارض

EX کنشیل تبیح اللہ خان FRP 7683/1817 بنوں ریج

Cell 0335-9304293

Cnic No. 11101-5786531-5

ORDER

26

This order will dispose of the departmental appeal preferred by ex-constable Tasbeeh Ullah No. 1817/7683 of FRP Bannu Range, against the order of SP FRP Bannu Range, Bannu issued vide OB No. 18, dated 28.02.2008, wherein his resignation from service was accepted by the competent authority. The applicant was proceeded against on the allegations that he submitted resignation from Police service with effect from 01.02.2008, which was accepted by the competent authority vide OB No. 18, dated 28.02.2008.

Feeling aggrieved against the impugned order of SP FRP Bannu Range, Bannu the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 01.05.2019.

During the course of personal hearing, the applicant failed to present any justification regarding to his prolong absence. The law helps the diligent and not indolent. The one, who wish to enforce his claim, must do it at the earliest a laches deprive the litigant from enforcing his right. Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. Besides, he cannot become a good Police Officer, his retention in service would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force.

Law :-

According to Esta Code Page No. 142 at Serial No. 2 when a resignation tendered by Govt. servant has been accepted and the acceptance communicated to him/her it becomes final there can be no question of allowing him/her to withdraw the resignation.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected being badly time barred and meritless.

Order Announced.

Commandant

Frontier Reserve Police

Khyber Pakhtunkhwa, Peshawar.

No 5132-33 /EC, dated Peshawar the 20/06 /2019.

Copy of above is forwarded for information and necessary action to the:-

SP FRP Bannu Range, Bannu. His service record alongwith D-file sent herewith.
Ex-constable Tasbeeh Ullah No. 1817/7683 S/O Rasta Baz Khan, Police Station Saddar, Village Mank Khel Isaki, District Bannu.

decide by Hand
5/7/2019
A. J. /

ATTENDED

۴

گزارش برآمدگی سال 2009 میں برآمدگی سے متعلقہ ہے۔

جو کہ کوئی دوسرا سرکاری نوٹ یا کوئی دوسرا نوٹ ہے۔ اس میں
سائل کو ایسی رازداری (کال) کی مشورہ فراہم کرنے سے منع کیا گیا ہے
ملاؤں اور (جس سے سب سے پہلے) کسی کو مشورہ فراہم کرنے سے منع کیا گیا ہے۔
ذرا یہ ہوا تو ان سے اس قدر غلط ہے کہ یہ برآمدگی سے متعلقہ ہے۔
رک سے ایک ایسی ہی کوئی نوٹ دینے کے لئے کام کیا گیا ہے۔

زوائد

سینئر لیڈنگ سٹیشن
کوٹہ
2019

الواریس

EX کنٹینر تسبیح الرحمن 7683 FRP 1817

cell - 0335-9304293

atic - 11/01 - 5786531-5

Allowed
Superintendent of Police
FRP Barrak
118

ATTACHED

Resignation of Constables

Constable Tasbeehullah Khan No 1217 FR
as Resigned From Police Service
with effect from 1/2/2008

[Handwritten signature]
SP/FRP

Stoppage
of pay

- ① The Const Pay of Const Hamidullah No 183
pay stoped with immediate effect
- ② The pay of Const Sabur Niaz No 1820 pay
stoped with immediate effect.
- ③ The pay of Const Muhammed Kamran No 1801
pay stoped with immediate effect
- ④ The pay of Const Zahoor Akram No 2060
pay stoped with immediate effect.
- ⑤ Const Amanullah No 2087 pay stoped
- ⑥ Const Rafiqullah No 2094 pay stoped
- ⑦ Const Naeemullah No 2626 pay stoped

[Handwritten signature]
SP/FRP

Transfer of Const. The following transfer is
ordered with immediate effect

4/1/08

حکومت ف۔ رکن و وزیر اعلیٰ

FAP ل

سفرات فراہمی FAP لاپس سبٹ 1897

سفر حج اللہ خان دہ رستہ یاد خان سائل

سائل فضل عسکری و خان

ف۔ ی۔ ا

سائل ح۔ ذل عرفان

سیر سائل حکمہ امین سائل بدوون

سیر 1817 سال 1883 میں ڈیوٹی سرکاری دے دے

سیر سائل داد اللہ سال 2008 میں مندرجہ

سیر سائل داد اللہ سائل سیر سائل

سائل سیر سائل سیر سائل

سائل سیر سائل سائل

سائل سائل سائل سائل

سائل سائل سائل سائل

سائل سائل سائل

ATTACHED

30

یہ سہ ماہی کا لاکھ 25000 کا قیام ہے۔
مگر ڈیڑھ ماہ سے پہلے تو مکتی سرسبز

سہ ماہی کے اسی لئے قرآن پانا کے لیے
تقریباً کے لیے 2000۔ 3000 کے مقررہ ہیں۔
بہال شہر کے مقررہ۔

یہ سہ ماہی کے جوڑے جوڑے کے ہیں کہ
درجہ اولیٰ ہے۔

دستخط کا مکمل نام اور
اس کے ساتھ ہی ہے۔

17-8-2019
5-34-86578511

سید احمد علی شاہ

18/11/18
سید احمد علی شاہ

ATTACHED

033393053

Better Copy

OFFICE OF
DIRECTOR GENERAL
KHYBER PAKHTUNKHWA

No. 3033

Peshawar the 23.08.2019

To

The Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa

Office of the Superintendent
FRP KPK Peshawar
Diary No. 7232

Subject: REVISION PETITION

Memo:

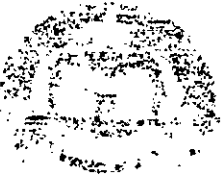
The Competent authority has examined and filed the revision petition submitted by Ex-Constable Tasbih Tasbih Ullah No. 1817/7683 of FRP Bannu against the resignation from service was accepted vide Superintendent Bannu bearing OB No. dated _____ badly time barred.

The applicant may please be informed accordingly.

SYED ANIS UL HASSAN
Registrar
For Inspector General
Khyber Pakhtunkhwa
Peshawar

Office of the Commandant FRP Khyber Pakhtunkhwa , Peshawar No. 7252 ISI dated Peshawar the 27/08/2019 Copy of above is forwarded to the SP FRP Bannu e Bannu, for internate and further of action. The applicant may be inform
ingly.

31 H



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Bannu Police Office, Peshawar

No. 3033

Date 23.08.2019

To The Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa,

Subject REVISION PETITION.

Memo:

Office of the Inspector General of Police
FRP Khyber Pakhtunkhwa
Bannu 7230
108184

The Complaint Authority has examined and filed the revision petition filed by Constable Yasheeh Ullah No. 1817/7683 of FRP Bannu against the resignation which was accepted vide Superintendent of Police, FRP Bannu bearing OB No. 18, dated 18/08/2019 vide body line para:

The applicant may please be informed accordingly.

Legal
Provisional
W 108/18

[Signature]
(SYED ANIS-U-LLAH)
Registrar
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

Office of Commandant FRP K.P. Peshawar.

No 7252 1st legal dated Peshawar the 27/08/2019

Copy of above is forwarded to the SP-FRP Bannu Range, Bannu for information and further action. The applicant may be informed accordingly.

ATTACHED

I 30

HYDERABAD PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

BEFORE THE

Service Appeal No.630/2018

Date of Institution:- 04.05.2018
Date of Decision:- 09.11.2020



Imran Ullah Ex Constable, No. 207 Bannu, District Police.

... (Appellant)

VERSUS

The AIG/ Establishment for Inspector General of Police, Khyber Pakhtunkhwa Peshawar and 2 others

... (Respondents)

Miss. Naila Jan
Advocate

... For Appellant

Mr. Kabirullah khattak,
Additional Advocate General

... For Respondents

Mr. MUHAMMAD JAMAL
Mr. ATIQ UR REHMAN WAZIR

... Member (J)
... Member (E)

JUDGEMENT: -

Mr. ATIQ UR REHMAN WAZIR:- Appellant Mr. Imran Ullah Ex- Constable Police, initially enlisted as Constable in the year 2007 has assailed the impugned order dated 27-04-2009 of his discharge from police force, order dated 02-10-2014 of the rejection of departmental appeal and final order dated 17-08-2017, whereby his review petition has been rejected.

[Handwritten signature]

ATTESTED
[Signature]
Member (E)
Khyber Pakhtunkhwa
Service Tribunal

Brief facts of the case are that the appellant Mr. Imran Ullah Ex-
 enlisted as constable on 15-07-2007. He was discharged from Police force on
 27-04-2009 on the charges of long absence from duty and under the provisions of
 section 12:21 of Police rules 1934. The appellant preferred departmental appeal,
 which was rejected by RPO Banna vide order dated 02-10-2014. The appellant
 preferred review petition on 04-05-2017, which was also rejected on the grounds
 of limitations dated 17-08-2017, hence the instant appeal instituted on 09-05-
 2018 with prayers that the orders dated 02-10-2014, 27-04-2009 and 17-08-
 2017 may be set aside and the appellant may be reinstated in service with all
 back benefits.

Written reply/comments were submitted by respondents.

Arguments heard and record perused.

Learned counsel for the appellant contended that the appellant preferred
 departmental appeal against impugned order dated 27-04-2009, which was
 rejected on 02-10-2014, but the appellant received rejection order on 26-03-
 2017, hence the appellant preferred review petition on 04-05-2017, which was
 also rejected on 17-08-2017, hence the instant service appeal instituted on 09-
 05-2018. The learned counsel blamed the respondents for late communications,
 which resulted into delay in the whole process and to this effect referred to 2013
 SCMR 1053. On the question of limitation the learned counsel referred to 2007
 SCMR 834, that since the orders were passed in violation of mandatory provision
 of law, hence no period of limitation will run for challenging such orders. That
 the appellant was not proceeded against under the law but discharged on a
 single order under the provisions of rule 12:21 of the police rules 1934, which is
 ab-initio as in the presence of The Removal from service (Special Powers)

ATTESTED

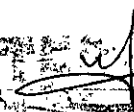
ordinance 2000, invoking jurisdiction of police rules was against law, facts and norms of justice. That no statement of allegations and charge sheet were served upon the appellant, nor proper inquiry was conducted by the respondents. That no opportunity of personal hearing was afforded to the appellant as was required under the ordinance, so the whole proceedings conducted has nullity in the eyes of law. Reliance: 2016 SCMR 943. That discharge from service and withholding of pay for the absence period tantamount to double jeopardy on the one hand, but on the other hand it can also be construed that absence period has already been condoned by treating the period as leave without pay and as such, there remained no action to penalize the appellant. The learned counsel prayed that the impugned orders may be set aside and the appellant may be reinstated in service with all back benefits.

ATTESTED



The learned Additional Advocate General appeared on behalf of official respondents opposed the contention of learned counsel for appellant. He argued that during the course of his total service of one year and nine months, he remained absent for one year 3 months and 22 days. That the appellant was still in probation period, hence he was discharged under provisions of rule 12:21 of police rules 1934, where no other proceedings are required as per law. Reliance: PLD 2003 SC 913. The learned Additional Advocate General referred to Rule 11-A sub section 4 of Police rules 1975, where the appellant was required to prefer review petition within 30 days of the order passed on original appeal, whereas the appellant preferred such appeal after three years, which creates no fresh cause of action for the appellant. Reliance: 2015 SCMR 165 citation D and 2011 SCMR 676 citation D. On the question of leave without pay, the learned Additional Advocate General argued that in a situation it is not a punishment or reward but treatment of the absence period, which in any case has to be

ATTESTED



33

Removal
in the o
passed
11-10-1

considered by the competent authority under the principle of "no work no pay".
Reliance: SA No 332/2017, CA No: 1661/2019 and CA No. 1618/2019. The
learned Additional Advocate General prayed that his appeal is badly time barred,
not maintainable and devoid of merit may be dismissed.

We have heard learned counsels for the parties and perused the record.
We have observed that the petitioner remained absent for longer time without
any valid reason. The time spoiled between departmental appeal and its rejection
and again in filing review petition under the plea of late communication also
show his reckless approach towards his responsibilities. The contention of the
learned Additional Advocate General to the effect that regular inquiry was not
necessary in the case of appellant as he was proceeded against while still in the
probation period, also has force, but simultaneously the appellant was also a civil
servant and the question as to whether the appellant was supposed to be
proceeded against under RSO 2000 or Police Rules cannot be ignored, as RSO
2000 having overriding effect over other laws at that particular time and
provision in ordinance existed for the appellant. Section 11 of the ordinance is
reproduced as under: "The provisions of this ordinance shall have effect notwithstanding anything
to the contrary contained in the Civil Servants Act, 1973 (LXXI of 1973) and the rules made there under
and any other law for the time being in force." The learned Additional Advocate General
when confronted with such proposition was still of the opinion that he was rightly
proceeded against under police rules, as there was no other option with the
respondent to proceed him as the appellant was still in probation period.
Contention of the learned Additional Advocate General is correct to the extent of
probation period, but section 11 of the ordinance bars the respondents to
proceed him under any other law except the Ordinance and other option was
also available in the Ordinance. The ordinance vide section 3 (a) provides: "that

TESTED
11-10-1

dismissal, removal and compulsory retirement of certain persons in Govt. or corporation service etc, where in the opinion of the competent authority , a person in Govt. or corporation service is inefficient or has ceased to be efficient for any reason; or is guilty of being habitually absent from duty without prior approval of leave, the competent authority, after inquiry by the committee constituted under section 5, may notwithstanding anything contained in any law or the terms and conditions of service of such person, by order in writing dismiss or remove such person from service, compulsory retire from service or reduce him to lower post or pay scale, or impose one or more minor penalties as prescribed in the Govt. Servant (Efficiency & Discipline) Rules, 1973 made under Section 25 of Civil Servant Act, 1973." Besides Section 5 (4) of the ordinance also provides for proceeding the appellant; which is almost similar to section 12:21 of Police Rules 1934, so in presence of RSO 2000, the proceedings under police rules is void ab-initio in the eyes of law and which also disposes of the question of limitation.

8. This Tribunal is of the view that in order to meet the ends of justice, the appeal is partially accepted and the appellant is reinstated in service for the purpose of de-novo inquiry with directions to the respondents to conduct de-novo inquiry within 90 days strictly under law & rules. No orders as to costs. File be consigned to record room.

ANNOUNCED
09.11.2020

SD/
(MUHAMMAD JAMAL KHAN)
MEMBER (J)

SD/
(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy

[Signature]
ENCLINED BY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 317/2017

Date of Institution ... 04.04.2017

Date of Decision ... 08.09.2021

Asif Siraj, son of Sirajul Haq, Ex-Constable/Photographer No.3559, Police Department, Peshawar, resident of Karimpura Bazar, Street Agha Shafee House No. 1999 Illaqa PS. Gulfat Hussain Shaheed, Hashtnagri, Peshawar City.

... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and four others.

... (Respondents)

ROEEDA KHAN,
Advocate

... For Appellant

USMAN GHANI,
District Attorney

... For Respondents

SALAH-UD-DIN
ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was appointed as Photographer constable on 21-07-2008. During the course of his service, he was proceeded against on the charges of his connections with criminals, but was removed from service on the charges of absence vide order dated 30-11-2010 and his absence period i.e. 2 months and 14 days were treated as without pay. The appellant filed departmental appeal dated 02-12-2010, which was

ATTESTED

not responded. The appellant filed revision petition dated 22-09-2016, which was rejected on 21-02-2017 and communicated to the appellant on 21-03-2017, hence the instant service appeal instituted on 04-04-2017 with prayers that impugned orders dated 30-11-2017 and 21-02-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders of the respondents are illegal, against the law and natural justice, hence the same are untenable in the eye of law and are liable to be set aside; that the allegations leveled against the appellant in the charge sheet are different from the one in the show cause notice and the impugned order of removal from service; that in the charge sheet it has been alleged that the appellant was having connections with criminals, narcotics sellers and gambler dens as well as showing his involvement in other illegal activities, but none of the allegations could be proved against the appellant, so the respondents changed the strategy and leveled the allegations of absence from duty and upon allegations of absence he was removed from service, which is illegal; that the appellant never absented from his lawful duty, but as is evident from record that on 07-08-2010, he was restrained by respondents from duty till the final disposal of inquiry proceedings against him and the same period was treated as absence from duty; that as per Section 5(4) of the Removal from Service (Special Powers) Ordinance, 2000, the competent authority was required to record reasons for dispensing with, of inquiry, which however were not recorded in case of the appellant; that for imposing major penalty, a regular inquiry must have been held to determine factual basis of such allegations, which were required to be proved in accordance with law, which however was not done in case of the appellant; that Removal from Service (Special Powers) Ordinance, 2000 was in field, whereas the appellant was proceeded against under the Khyber Pakhtunkhwa Government

APPEAL

(39)

Efficiency & Discipline) Rules, 1973, which is illegal and without lawful authority; that the impugned order is liable to be struck down on this score alone; that the proceedings are without authority and Coram non-judice; that when the order is without lawful authority and void ab-initio, then the entire judgment raised thereon falls on the ground automatically. Reliance is placed on 2008 Supreme Court 663 and PLD 2015 Supreme Court 380. On the question of limitation, the learned counsel added that no limitation shall run against such orders, which are void being Coram non-judice; that absence period of the appellant was treated as leave without pay, hence the very ground, on the basis of which the appellant was proceeded against has vanished away. Reliance was placed on 2006 SCMR 434.

03. Learned District Attorney appearing on behalf of respondents has contended that the instant appeal is badly time barred as his revision petition was rejected on the ground of limitation; that no plausible explanation was offered for condonation of delay; that the appellant was proceeded against departmentally on sensitive charges of having connections with criminals, narcotics sellers, which had led to his removal from service by the competent authority; that the appellant was proceeded against under the relevant law and was rightly penalized for the charges leveled against him.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant was proceeded against under two sets of rules at a time, i.e. Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 and Removal from Service (Special Powers) Ordinance, 2000. Charge sheet/statement of allegations dated 05-08-2010 was served upon the appellant under the Khyber Pakhtunkhwa Government Servants (Efficiency &

ATTACHED

40

Discipline Rules, 1973 with the charges of his connections with criminals, narcotics seller, gambler dens as well as shown his involvement in other illegal activities. In this effect, DSP Civil Secretariat was appointed as Inquiry officer. The appellant vide his reply dated 16-08-2010 had denied all such allegations, rather he had contended that he was put behind the bar for 19 hours and was restrained from joining duty. Nothing is available on record to show that any such inquiry was conducted by the respondents, rather the show cause notice dated 16-11-2010 clearly shows that inquiry was dispensed with, but without recording any reason, thus the respondents skipped a mandatory step in the disciplinary proceedings; therefore action of authority in awarding major penalty of removal from service, in circumstances, was in sheer violation of principles of natural justice. Reliance is placed on 2011 PLC (CS) 387. It was astonishing to note that the charges in show cause notice were altogether different from the charges leveled in the charge sheet/statement of allegations. The show cause notice was served under Removal from Service (Special Powers) Ordinance, 2000, on the charges of absence from duty, which was responded by the appellant, who vehemently denied the charges of absence, rather he had contended that he was restrained from performing his duty, hence in circumstances how he could perform duty, when the respondents did not allow him to join his duty. We have noted that during the period in question, Removal from Service (Special Powers) Ordinance, 2000 was in field, but proceedings against the appellant were initiated under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973, which is illegal. The respondents however corrected their course and issued the impugned order of removal from service under Removal from Service (Special Powers) Ordinance, 2000, which clearly shows malafide on part of the respondents and which made the whole proceedings dubious, rendering the same as nullity in the eye of law. We have found another

~~NOTED~~

UL

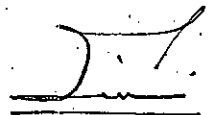
irregularity, that charge sheet/statement of allegations contain serious allegation of his connections with criminals, which was required to be unearthed through a regular inquiry and inquiry officer to this effect was also appointed, but since the respondents were not in a position to prove such allegations, hence taking U turn, the respondents dispensed with the inquiry and changed the nature of allegations, which were confined only to the extent of absence from duty only. It however is on record that the appellant was closed to police lines and was asked not to join duty until finalization of the inquiry proceedings. Malafide on part of the respondents is also evident from the facts that charge sheet was issued on 05-08-2010, whereas his absence in the impugned order of removal from service is shown as 07-08-2010 to 15-10-2010. However, in both the eventualities, no inquiry was conducted against the appellant and he was removed from service arbitrarily without affording him proper opportunity of defense. The Supreme Court of Pakistan in its judgment reported as 2009 PLC (CS) 650 has held that regular inquiry is must before imposition of major penalty of removal from service. We have also observed that the appellant was proceeded against on the ground of absence for the mentioned period, however the authority has treated the mentioned period as leave without pay, as such the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august supreme court of Pakistan, reported as 2006 SCMR 434 and 2012 TD (Services) 348. We are mindful of the question of limitation, but since the appellant was removed from service without observing proper procedure, rather the respondents were bent upon removing the appellant from service and the respondents had no case on merit except limitation and the supreme court of Pakistan in its judgment reported as PLD 2002 Supreme Court 84 have held that where on merits the respondents has no case, then limitation would not be hurdle in the way of appellant for getting justice.


APPEALED

August Supreme Court has observed that the court should not be reluctant in condoning the delay depending upon facts of the case under consideration.

05. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
08.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

