

16.05.2022

Learned counsel for the appellant present.

Learned counsel for the appellant argued the case at the stage of preliminary hearing. She contended that the appellant is basically aggrieved of the impugned order dated 26.07.2017 whereby he was awarded major penalty of dismissal from service w.e.f. 26.07.2017 i.e. from the date of his absence. The appellant preferred departmental appeal which was rejected on the ground of being time barred vide appellate order dated 29.03.2021. His revision petition also met the same fate when it was rejected on the ground of being badly time barred vide order dated 07.06.2021 whereafter the instant service appeal was filed in the Service Tribunal on 24.01.2022. On the question of limitation, learned counsel for the appellant relied on 2007 SCMR 834, 2015 SCMR 795 and 2009 PLC (C.S) 161 and contended that the appellant has not been provided an opportunity of personal hearing. Moreover, the order has been issued with retrospective effect therefore she relied on Service Tribunal judgement dated 01.07.2022 delivered in service appeal No. 488/2017 titled Constable Momin Khan Versus Police Department. She argued that the basic order being void subsequent order would also be considered as void under 2009 SCMR 339 and orders of the august Supreme Court of Pakistan are binding on all authorities under Article 189 of the constitution. Since the question of limitation is to be addressed first, it would therefore be prudent to issue pre-admission notices at this stage. To come up for reply/comments as well preliminary hearing before the S.B on 21.07.2022.




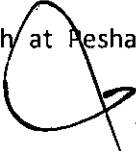

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 208/2022 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/02/2022	<p>The appeal of Mr. Hayat Muhammad resubmitted today by Uzma Syed 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 there on <u>05-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.04.2022	<p>Appellant present in person.</p> <p>Counsel for appellant for the appellant not present. Appellant seeks adjournment. Adjourned. To come up for preliminary hearing on <u>16.05.2022</u> before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Hayat Muhammad Ex-Constable No. 694 District Buner received today i.e. on 24.01.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is attached with the appeal.
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- Wakalat nama is blank which may be filled up.
- ⑥ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 7- Copies of medical prescriptions mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- ⑧ Copy of departmental appeal and mercy petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 9- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 146 /S.T,

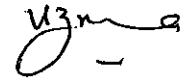
Dt. 24/01 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

Please give me some time for completion

⑮ days time further extended.


9-2-2022


9/2/2022

Sir,

all objections were remove. no charge sheet, statement of allegation, show cause notice nor enquiry report were issue to the appellant. and the departmental appeal may be request from the department. also mention in Para 4 of the appeal


9-2-2022

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST**

Case Title: Hayat Muhammad vs Police

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>UZMA syed</u>		
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: UZMA syed

Signature: [Signature]

Dated: 26-1-2022

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 208 /2022

Hayat Muhammad

Versus

Police Deptt:

INDEX

S.NO.	Documents	Annexure	Page
1.	Memo of Appeal	-----	
2.	Condonation of delay application		
3.	Copy of Medical prescription	A	
4.	Copy of impugned order	B	
5.	Copy of appellate order	C	
6.	Copy of Revision Petition	D	
7.	Copy of rejection order	E	
8.	Vakalat nama	-----	

Appellant

Hayat Muhammad

Through:

Syed Noman Ali Bukhari

&

Uzma Syed

Advocates, High Court

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2021

Mr. Hayat Muhammad Ex-Constable No. 694, District Buner

(Appellant)

VERSUS

1. The Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer Buner.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 08.12.2017 WHEREBY THE APPELLANT WAS DISMISSED FROM THE SERVICE AND AGAINST THE REJECTION ORDERS DATED 29.03.2021 AND 07/06/2021 WHEREBY THE DEPARTMENTAL APPEAL AND REVISION PETITION OF THE APPELLANT WAS REJECTED WITHOUT SHOWING ANY REASON.

PRAYER:

That on the acceptance of this appeal, the impugned orders dated 08.12.2017, 29.03.2021 and 07/06/2021 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 deems fit and appropriate that, may also, be awarded in favor of appellant.

Respectfully sheweth:


Giving rise to the present service are as under:

1. That the appellant was the employee of the Police Department and was on the strength of the Police Force Buner.
2. That, in 2017 appellant was absent due to illness and some domestic problems, in his home on the score of said absence appellant was dismissed from service on 08-12-2017 with effect from 26/07/2017. (Copy of Medical prescription impugned & order is attached as Annexure-A&B).
3. That neither any show cause, charge sheet, statement of allegation, inquiry, opportunity of defense, final show cause notice has been served and provided respectively nor any publication has ever been made calling him for assumption of his duty.
4. That appellant feeling aggrieved from the said impugned order by 20-12-2020 immediately preferred Departmental Appeal (which is not available may be requisite from the Department) which was rejected on 29/03/2021 after then appellant filed Revision Petition which was also rejected on 07-06-2021 for no good ground. Received by appellant himself on 25/12/2021. (Copy of rejection orders is attached as Annexure-C&D).
5. That the appellant being aggrieved of the impugned orders of respondents and having no other adequate and efficacious remedy, file this Service Appeal inter-alia on the following grounds amongst others.



GROUNDS:

- A) That the orders dated 08.12.2017, 29.03.2021, 07.06.2021 are against the law, facts, norms of justice 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 the appellant; is seriously ill, therefore cannot attend duties, so absentia of the appellant was not willful but on the ground of illness which is beyond the control of the appellant. So, according to superior Court Judgment cited *as 2008 SCMR 214* availing leave on medical grounds without permission could not be considered an act of gross misconduct entailing major penalty, the major penalty in this case on the basis of absentia on medical ground is so harsh and not commensurate with guilt. So the impugned order is liable to be set-aside.
- D) That impugned order was based on willful absence, so, for the willful absence procedure is provided in Rule 9 of the *E&D rule 2011*, which is so much crystal clear. The authority before imposing major penalty also violates the procedure of Rule-9. So the impugned order is defected in eye of law.

 That no show cause notice was issued before taking adverse action which is violation of rule *Rule-5(a)*. *Read with Rules -7* in case inquiry was not necessary and *Rule-14(b) of the E&D Rules 2011*, in case where regular inquiry is necessary. Which were totally ignored before taking adverse action. The same principle held in the Superior Court judgments cited as *1987 SCMR 1562, 2019 PLC cs 811, 2008 PLC cs 921 and 209 SCMR 605*. Further it is added that inquiry report was also not provided to the appellant which was also violation of *Rule 14(c) of the E&D rules 2011*, so the impugned order was passed in violation of law and rules and norms of justice. The same principle held in the Superior Court judgments cited as *1981 PLD SC 176 and 1987 SCMR 1562*.

F) That it is, pertinent to mention here that if inquiry was not necessary the competent authority should follow the rule *5(a) of the E&D rules 2011* and dispense with the inquiry with reasons but the same was also violated, so the impugned order was in violation of law and rules so not tenable in the eye of law.

G) That no proper regular inquiry was conducted before imposing major penalty. Moreover, if any fact finding inquiry was conducted but the appellant was not associated with the same, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant which is violation of *Rule-10 (b) and Rule 11 (1) of the E&D Rules 2011*, which were totally ignored before imposing punishment which is illegal and against the law, rules and natural justice. The same principle held in the Superior Court judgments cited as *2010 SCMR 1554, 2016 SCMR 108, 2009 PLC (cs) 19, 2008 SCMR 1369, 2009 SCMR 412, 2007 PLC cs 247 and 2008 PLC cs 1107*.

- 11) That according to Federal Shariat 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.
- I) 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.*
- J) That no charge sheet was issued to the appellant on the allegation appellant was dismissed from service which is violation of *Rule-10(b) of the E&D Rules 2011* and if inquiry was conducted any in absence of charge sheet that is to be treated as fact finding inquiry and awarded major penalty on fact finding inquiry is against the law, rules and norms of justice, because in case of imposing major penalty proper regular inquiry and proper procedure has to be conducted under *Rule-5, 10, 11 & 14 of the E&D Rules 2011* but in case of the appellant same was violated which is also violation of Supreme Court judgment Cited as *2008 SCMR 609* wherein clearly stated that *inquiry conducted in absence of charge sheet is void-ab-initio and also violation of this tribunal judgment in appeal no: 905/2016 decided on 20.02.2018.* In Supreme court judgment cited *as 2004 SCMR 294, 2008 PLC cs 1107, 2008 PLC cs 1065* wherein clearly

state that the major penalty cannot be imposed on the basis of fact finding inquiry.

- K) That the opportunity of personal hearing and personal defense was not provided to the appellant which was violation of **Rule 7(d)** in case inquiry was not necessary and **14(3) of the E&D rules 2011** in case where inquiry is necessary.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

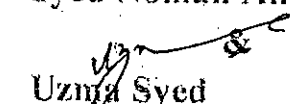
It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Appellant

Hayat Muhammad

Through:

Syed Noman Ali Bukhari


Uzma Syed
Advocates, High Court

ORDER

This order will dispose-off departmental enquiry against **FC Hayat Mohammad No. 694** of this district police vide this office No. 52/Enquiry, dated 20/09/2017.

Briefs facts are that:-

FC Hayat Mohammad No. 694 while posted to Police Lines Daggar, absented himself from his lawful duty w.e from 26.07.2017 to date without prior authorization. Therefore he was proceeded departmentally and served with charge sheet/Disciplinary action under police rules 1975. **Mr: Farman Ullah Khan SDPO Pir Baba** was appointed as enquiry officer to conduct departmental enquiry against FC Hayat Mohammad No. 694. The enquiry officer in its finding recommended the official concerned for major punishment under the rules. After recommendation of the Enquiry Officer the delinquent official was issued with final show cause notice but reply did not received from him. Subsequently he was called in orderly room in order to give him opportunity of self-defense but he did not appear before the undersign.

Therefore, **I Muhammad Irshad Khan District Police Officer Buner** as Competent Authority and in exercise of the power vested to me under Police Disciplinary Rules-1975, award **FC Hayat Mohammad No. 694**, major punishment "Dismissal from service with effect from the date of his absence". i.e 26.07.2017.

Order announced.


**DISTRICT POLICE OFFICER,
BUNER**

OB No. 162

Dated: 7/12 2017

No. 7430 /Eng, dated Daggar the 08/12 /2017.

Copy to all concerned.



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390
Email: ebmalakandregion@gmail.com

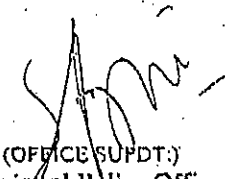
No. 3931 /E, dated Saidu Sharif the 29 / 03 /2021

To: The District Police Officer, Buner.

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Memorandum:

Application of Ex-Constable Hayat Muhammad Khan No. 694 of Buner District for re-instatement in service has been filed by Worthy Regional Police Chief, being time barred.


(OFFICE SUPDT.)
for Regional Police Officer,
Malakand Region Swat
"Sajid"



(A) (B)

OPD SLIP

D.H.Q. HOSPITAL DAGGAR DISTRICT BUNER
OPD REGISTRATION

RS 10/-

Name U. B. Zaidi Age 29 Sex M

Department _____ Address Kuliyasan

Hospital Yearly No 150 Dated 1-6-017

History
C.B.P
Fever
Headache
Clinical Examination
V.C
V.D

R/
Tonsillitis
Tonsils enlarged
Tonsils covered with
white exudate

Provisional Diagnosis

Tonsillitis

Investigation
CBC
Urinalysis
W.D

Tonsils enlarged
Tonsils covered with
white exudate
Tonsils enlarged
Tonsils covered with
white exudate

Doctor on Duty

Doctor's Signature

(Signature)

Etum Printing Jowar Buner 0314-9238713

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LABORATORY D.H.Q HOSPITAL DAGGAR DIST. DUNK

OPD.No _____ Date: 01/06/17

Result	Test	Result	Test	Result
12	D. Sugar		ASO: Titor	
10.5	B. Urea		B. Ag Factor	
	S. Creat		VDRL	
	S. Bilirubin Total		HBS Ag	
	S. G.P.T		HIV	
P 68 L 30	S.A Phosphate		B. Group	
M 7 E 2	S. Cholestrol		Toxo IgG	
B.T 7 C.T	S. Calcium		WIDAL	
	S. Uric Acid		TO	1/20 1/40 1/80 1/160
	TB (ICT)		TH	1/20 1/40 1/80 1/160
URINE R/E: Sugar	Typhidot IgG		BRUCELLA	
	IgM		A	
M/E P. Cell	H. Pylori Stool/Blood		M	
R.B.C	Dengue IgG			
Epith Cell	IgM			
Crystal	Ns1			
Cast	U. Pregnancy			

Sign: Lab. No.

Elum Printing Jowar Buner 0314-9236713

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OPD SLIP
D.H.Q. HOSPITAL DAGGAR DISTRICT BUNER
OPD REGISTRATION

9

Rs 10/-

Name Gulzar Ali Age 29 Sex M
 Department _____ Address Kuliy Miri
 Hospital Yearly No. 3281 Dated 20-7-2017

History
 CBCP
 Fever
 Headache
 Clinical Examination
[Signature]

R/-
 7- Days of illness
 of onset in
 left side

Provisional Diagnosis

Tonsillitis (10)
 1-1
 Tonsillitis (10)
 1-1
 of 2nd (10)
 4-4

Investigation
 CBC
 normal

TESTED
 10-11-17
 T. Patel
 2-11-17

Doctor on Duty _____

Doctor's Signature
[Signature]

LABORATORY D.H.Q HOSPITAL DAGGAR DIST. DUN

10

Pt. Name 19 E. V. V. OPD. No _____ Date 20/07/2017

Test	Result	Test	Result	Test	Result																																				
HB %	11.9	D. Sugar		ASO. Titor																																					
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ESR		S. Creat		VDRL																																					
MP		S. Bilirubin Total		HBS Ag																																					
DLC		S. G.P.T		HCV Anti Body																																					
P	70	S.A Phosphate		HIV																																					
M	28	S. Cholestrol		B. Group																																					
B.T		S. Calcium		Toxo IgG																																					
PLT		S. Uric Acid																																							
MONTAX		TB (ICT)																																							
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Epith Cell	<u>1</u>																																								
Crystal	<u>1</u>	Ns1																																							
Cast		U. Pregnancy																																							

Sign: Lab I/C: _____

17

Rs. 10/-



OPD SLIP
D.H.Q. HOSPITAL DAGGAR DISTRICT BUNER
OPD REGISTRATION

Name محمد علی Age 29 Sex M

Department _____ Address 6/6/6

Hospital Yearly No. 1843 Dated 15/3/2017

History

RI-

LBP
Fever
Clinical Examination
Cough

inf. process
started by
in mother (6)

Provisional Diagnosis

Low Cough 400mg

Investigation

MRP
may

Low Pencil
SYP
Molecular

Doctor on Duty

Doctor's Signature

ATTESTED

[Signature]

LABORATORY D.H.Q HOSPITAL DAGGAR DISTT. DUNE

Name: Mr. Chandra B OPD.No: _____ Date: 17/09/17

Test	Result	Test	Result	Test	Result															
HB %		C. Sugar		ASO Titor																
TLC		B. Urea		R.A. Factor																
ESR		S. Creat		VDRL																
MP	<u>-</u>	S. Bilirubin Total		HBS Ag																
DLC		S. G.P.T		HIV																
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Epith Cell		IgM																		
Crystal		Ns1		<p>Sign: Lab I/C: _____</p>																
Cast		U. Pregnancy																		

ATTESTED

Elum Printing Jowar Buner 0314-9236713

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OPD SLIP
D.H.Q. HOSPITAL DAGGAR DISTRICT BUNER
OPD RIGISTRATION

B

Rs. 10/-

Name Ishtiyat Mahmud Islam Age 29 Sex M

Department _____ Address Kalyani

Hospital Yearly No. 1484 Dated 10.11.2017

History

*Febrile
off 3 days*

*1 mg Tetracycline
1 mg Ceftriaxone 1 gm*

Clinical Examination

Healed

Tab. Sepof 500

Provisional Diagnosis

Tab. Mefenidol 700

Investigation

*MP
CBC
Normal*

CP 2 Result 40 mm

Tab. Zerkex 2

Doctor on Duty

Doctor's Signature

Medical Superintendent
 D.H.Q. Hospital Daggur Buner

11W

LABORATORY D.H.Q HOSPITAL DAGGAR DISTT. DUNL

Date 10/11/2017

Patient Name _____ OPD.No _____

Test	Result	Test	Result	Test	Result																					
HB %	12.2	D.Sugf		ASO.Titor																						
TLC	9.5000	B.Urea		R.A.Factor																						
ESR		S.Creat		VDRL																						
MP	Nil	S.Bilirubin Total		HBS Ag																						
DLC		S.G.P.T		Anti Body																						
P	70	S.A Phosphate		HIV																						
M	4.1	S.Cholestrol		B.Group																						
B.T	C.T	S.Calcium		Toxo IgG																						
PLT		S.Uric Acid		IgM																						
MONTAX		TB (ICT)		<table border="1"> <tr> <td rowspan="2">WIDAL</td> <td></td> <td>1/20</td> <td>1/40</td> <td>1/80</td> <td>1/160</td> </tr> <tr> <td>TO</td> <td>+</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td rowspan="2">BRUCELLA</td> <td>TH</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>A</td> <td>1/20</td> <td>1/40</td> <td>1/80</td> <td>1/160</td> </tr> </table>	WIDAL		1/20	1/40	1/80	1/160	TO	+	-	-	-	BRUCELLA	TH	-	-	-	-	A	1/20	1/40	1/80	1/160
WIDAL		1/20	1/40			1/80	1/160																			
	TO	+	-	-	-																					
BRUCELLA	TH	-	-	-	-																					
	A	1/20	1/40	1/80	1/160																					
URINE R/E	Sugar Nil	Typhidot IgG																								
ABL	Nil	IgM																								
M/E.P.Cell	0/HPF	H.Pylori.Stool/Blood																								
R.B.C	1	Dengue IgG																								
Epith Cell	1	IgM																								
Crystal		Ns1																								
Cast		U.Pregnancy																								

Sign: Lab I/C:

Handwritten signature

ATTESTED

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ORDER

B

15

This order will dispose-off departmental enquiry against FC Hayat Mohammad No. 694 of this district police vide this office No. 52/Enquiry, dated 20/09/2017.

Briefs facts are that:-

FC Hayat Mohammad No. 694 while posted to Police Lines Daggar, absented himself from his lawful duty w.e from 26.07.2017 to date without prior authorization. Therefore he was proceeded departmentally and served with charge sheet/Disciplinary action under police rules 1975. **Mr. Farman Ullah Khan SDPO Pir Baba** was appointed as enquiry officer to conduct departmental enquiry against FC Hayat Mohammad No. 694. The enquiry officer in its finding recommended the official concerned for major punishment under the rules. After recommendation of the Enquiry Officer the delinquent official was issued with final show cause notice but reply did not received from him. Subsequently he was called in orderly room in order to give him opportunity of self-defense but he did not appear before the undersign.

Therefore, **I Muhammad Irshad Khan District Police Officer Buner** as Competent Authority and in exercise of the power vested to me under Police Disciplinary Rules-1975, award FC Hayat Mohammad No. 694, major punishment "Dismissal from service with effect from the date of his absence". i.e 26.07.2017.

Order announced.


**DISTRICT POLICE OFFICER,
BUNER**

OB No. 162

Dated: 7/12 /2017

No. 7430 /Enq, dated Daggar the 08/12 /2017.

Copy to all concerned.

ATTESTED

1484/E

11/6/21

No. SI

2327

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

21, dated Peshawar the 07/06/2021.

To : The Regional Police Officer,
Malakand at Saidu Sharif Swat.

Subject: - REVISION PETITION

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Hayat Muhammad No. 694 of district Buner against the punishment of dismissal from service awarded by DPO Buner vide OB No. 162, dated 17.12.2017, being badly time barred.

The applicant may please be informed accordingly.

No 7041/E / DPO Buner
Dt 11-6-2021

Hayat Muhammad
No 694
3/6

(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer,
Saidu Sharif Swat

9/6/21
received on
25-12-2021



1484/E

11/6/21

No. SI 2327

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

121, dated Peshawar the 07/06/2021.

To : The Regional Police Officer,
Malakand at Saidu Sharif Swat.

Subject: - REVISION PETITION

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Hayat Muhammad No. 694 of district Buner against the punishment of dismissal from service awarded by DPO Bunner vide OB No. 162, dated 17.12.2017, being badly time barred.

The applicant may please be informed accordingly.

(Signature)
(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No 7041 E / DPO Buner
Dt 11-6-2021

17/12/2017 Ex-FC
Case No. 694 Hayat
Muhammad No. 694
accordingly.

Regional Police Office,
Malakand at Saidu Sharif Swat

9/6/21
received on
25-12-2021

D-18

**BEFORE THE WORTHY INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA, PESHAWAR**

subject: **REVISION APPEAL AGAINST THE ORDER OF REGIONAL
POLICE OFFICER, MALAKAND AT BAIQU, BHAHIT, DWAT
VIDE HIS OFFICE MEMO, NO. 3931/B, DATED 22.05.2021.**

Respectfully,

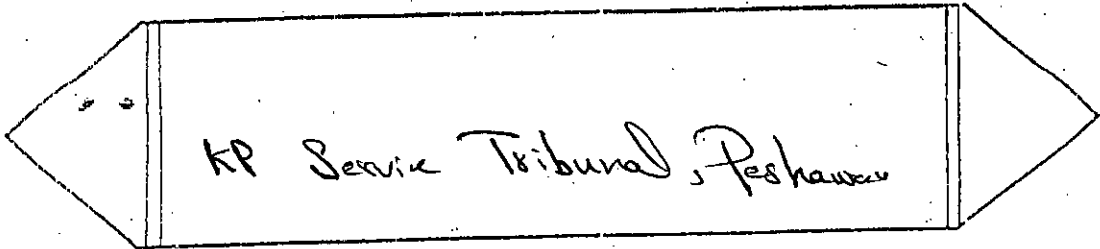
It is beg to submit,

1. That, the applicant belongs to village Kalyari Buner and an P.T/O qualified individual.
2. That, the applicant joined police department in the year 2013 as constable.
3. That, the applicant completed his basic recruit course and remained posted in various police stations/posts etc.
4. That, the applicant performed his duty with devotion, honestly and upto the entire satisfaction of his seniors, that why he was awarded commendation certificates several times.
5. That in the year 2017 the applicant due to some personal issues combined absented.
6. That later on the applicant informed that, he has been dismissed from service vide District Police Officer, Buner order Endat. No.7430/Enq., dated 08.12.2017.
7. That applicant was not associated with any departmental enquiry neither any Show Cause Notice has been issued nor Charge Sheet coupled with Statement of Allegations have been served upon the applicant.
8. That, the applicant has also not heard in person by Enquiry Officer.
9. That, the order dated 07.12.2017 has not been communicated to applicant for information.
10. That, the applicant submitted an application against the said order before the competent authority which was rejected being time barred (relevant order enclosed).
11. That, the applicant approached to competent authority within limitation period when he received order of his dismissal from service.
12. That story mentioned in the dismissal order is not based on facts because the applicant has not been associated with departmental enquiry.
13. The applicant belongs to very poor family, and only a source of income for his family; however the absence is made on compulsion domestic problems but on acceptance of this application it is therefore, requested that, the both the orders mentioned above may kindly be rejected and the applicant may be re-instate into service.

HAYAT MUHAMMAD KHAN BUNTER, 1984

(25)

بعدالت



2 مخائب
بنام

شورخه
مقدمه
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام ~~مستند~~ کیلئے ~~حفاظت~~ اور ~~ان~~

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعوی اور

بصورت ڈگری کرنے اجراء درصولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ

پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Handwritten signatures and initials on the left side of the document.

Muhammad
(H)

المرقوم 24 ماہ 1 2022

بمقام

Peshawar کے لئے منظور ہے۔