


The appeal of Mr. Shahzad Jamal S/O Mukhtiar Khan, Ex-Constable No. 2784, Capital City Police, Peshawar received today i.e. on 12.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Index of the appeal is not attached with the appeal.
2. Checklist is not attached with the appeal.
3. Appeal has not been flagged/marked with annexure marks.
4. Annexures of the appeal may be attested.
5. Affidavit is not attested by the Oath Commissioner.
6. Certificate is not signed by the counsel.
7. Copy of charge sheet, statement of allegation and replies thereto are not attached with the appeal.
8. Annexure B attached with the appeal is illegible which may be replaced by legible/better one.
9. Charge Sheet reply mentioned in para-8 of the memo of appeal, annexed as Annexure F is not attached with the appeal.
10. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2244 /S.T,

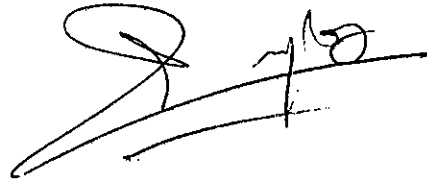
Dt. 15/11 /2021

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. SaadUllah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after removing  
the objections.



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

Case Title: Shahzad Jamal vs SP & attorney

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Court Officer</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?	x	✓
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?	x	✓
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: Saadullah Khan Marwat

Signature: [Signature]

Dated: 1/12/21

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. 7815 /2021

Shahzad Jamal

versus

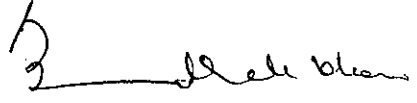
S.P Hqr: & Others

**I N D E X**

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Medical Receipts	"A"	5-11
3.	Charge Sheet	"B"	12
4.	Final Show Cause Notice, 11-06-2020	"C"	13
5.	Impugned order dated 29-07-2020	"D"	14
6.	Representation dated 26-07-2021	"E"	15
7.	Rejection order dated 09-09-2021	"F"	16
8.	Revision Petition dated 14-09-2021	"G"	17
9.	Rejection order dated 25-10-2021	"H"	18
10.	Application for condonation of delay		19-20

Appellant

Through

  
 Saadullah Khan Marwat  
 Advocate  
 21-A, Nasir Mansion,  
 Shoba Bazaar, Peshawar  
 Ph: 0300-5872676

Dated 12-11-2021

1

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7874

Dated 12/11/2021

Shahzad Jamal  
S/O Mukhtiar Khan,  
Ex-Constable,  
No. 2784, Capital City  
Police, Peshawar. . . . . Appellant

**VERSUS**

1. Superintendent of Police,  
Hqr: Peshawar.
2. Capital City Police Officer,  
Peshawar.
3. Provincial Police Officer,  
KP, Peshawar . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OB. NO. 1803 DATED 29-07-2020 OF R.**  
**NO. 01 WHEREBY APPELLANT WAS DISMISSED**  
**FROM SERVICE AND PERIOD OF ABSENCE WAS**  
**TREATED AS WITHOUT PAY OR OFFICE ORDER NO.**  
**2798-2801 / PA DATED 09-09-2021 OF R. NO. 02,**  
**WHEREBY DEPARTMENTAL APPEAL OF APPELLANT**  
**WAS REJECTED / FILED OR OFFICE ORDER. NO S /**  
**3811 DATED 25-10-2021 OF R. NO. 03 WHEREBY NO**  
**INTERFERENCE WAS MADE IN THE AFORESAID**  
**ORDERS:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth;**

1. That in the year 2003, appellant was appointed as constable and served the department with devotion till 29-07-2020.

Filed to-day  
Registrar  
12/11/2021

2. That appellant became seriously ill whereby his Right and Left Kidneys were affected. He consulted doctors in respect of his illness and since 13-05-2019 till 06-12-2019 was advised various medicines regarding his illness. (Copies as annex "A")
3. That Charge Sheet with Statement of Allegation was issued to appellant and SDPO Saddar Circle was appointed as Inquiry Officer to conduct enquiry in the matter. As the said Charge Sheet was not served upon him, so no reply was submitted to the same. (Copy as annex "B")
4. That perhaps one sided enquiry was conducted without associating appellant with the same, yet report was submitted to the authority and thereafter, Final Show Cause Notice was issued at his home address but no reply was submitted to the same as the same was not served upon him. (Copy as annex "C")
5. That on 29-07-2020, appellant was dismissed from service under Police Rules and period of absence from 23-05-2019 to 06-12-2019 and from 05-06-2020 till 28-07-2020 was treated as leave without pay. (Copy as annex "D")
6. That on 26-07-2021, appellant submitted representation before R. No. 02 for reinstatement in service which was rejected on 09-09-2021. (Copies as annex "E")
7. That thereafter on 14-09-2021, appellant submitted Revision / Mercy Petition before R. No. 03 which also met the same response vide order dated 25-10-2021. (Copies as annex "F")

Hence this appeal, inter alia, on the following grounds:

**GROUND S:**

- a. That Absence, if any, was neither intentional nor willful but the same was due to Kidneys affection.


- b. That enquiry into the matter was not conducted in accordance with law, neither any statement of any concerned was recorded nor appellant was provided opportunity of cross examination what to speak of association in the enquiry proceedings.
- c. That appellant was dismissed from service on score of absence while absence period from 25-03-2019 to 06-12-2019 and from 05-06-2020 to 28-07-2020 was treated without pay, meaning thereby that absence period was regularized, so there was no need to not allow appellant for service.
- d. That neither original nor appellate nor Revisional order was supported by reason, so the same are against the verdicts of the apex court.
- e. That appellant at his credit unblemished service of 16 years and no benefit of the same was ever extended to him.
- f. That in the circumstances all the impugned three orders of the authorities were of no legal effect and based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, impugned orders dated 29-07-2020, 09-07-2021 and 25-10-2021 of the authorities be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through

  
Saadullah Khan Marwat

  
Arbab Saiful Kamal


  
Amjad Nawaz

Advocates

Dated: 12-11-2021

**CERTIFICATE:**

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

  
**Advocate**

**AFFIDAVIT**

I, Shahzad Jamal S/O Mukhtiar Khan, Ex- Constable No. 2784, Capital City Police, Peshawar (appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief

  
DEPONENT

# NEW CHINA DOPPLER Ultrasound Clinic

**Dr Ghayas Khattak**

M.B.B.S.M.D.R.M.P.P.W.C Islamabad  
Member Ultrasound society of Pakistan.

Name: -Shehzad Jamal .

DATE:13/05/2019

**Abdominal Ultrasound.**

Liver appear normal in size , shape and echo pattern appear in normal parenchymal echo texture without focal defect , PV & CBD are measure within normal limits

Normally distended gall bladder with normal wall thickness. no stone or sludge

Both kidneys are normal in size , shape and position and normal parenchymal echo texture without focal defect . Bilateral hydronephrosis are seen and Right Kidney have a calculus measuring 24mm in renal pelvis,

Spleen and pancreas are normal morphologically . Upper para-aortic region appear normal. No free fluid noticed in peritoneal cavity.

No urinary bladder lesion is noticed.

- Right Kidney 24mm calculus with mild hydronephrosis
- Left Kidney mild hydronephrosis .

  
Dr. Ghayas Khattak

**نیو چائنا کڈنی سٹون سنٹر**  
علی میڈیکل سنٹرز دلیڈی ریڈنگ ہسپتال بالقابل ایمرجنسی اینڈ اوپلی ڈی گیٹ پشاور شہر  
فون: 091-2590612 - 0333-9134099





First Visit Date 13-05-2019 File No. 1021

Name of Patient Shehzad Jamil Age 37y  M  F

F/Hus-Name Mukhtiar Pura

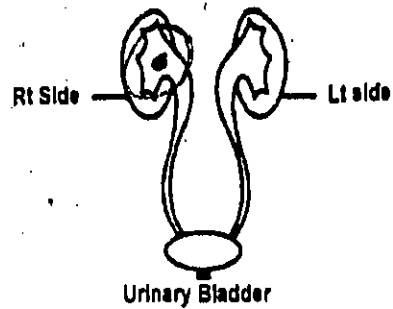
Stone Size & Location (R) Renal Stone (24mm)

Address Tembar Pura

VISITS		Treatment Details / Remarks	Signature
Date	Time		
13-05-2019	12:00	Hit the (R) Renal Stone	
16-06-2019	3:00	Stone has broken	
15-08-2019	3:00	Stone has completely broken	
06-12-2019	1:00	Stone Free by X-ray KUB + US	
		<b>Dr. Awa Khan Afridi</b> MCh (Surgery) MRCS (England) Consultant Surgeon New China Kidney Center Peshawar	
<u>2 Lab</u>			

F. Lime 15:00  
Nil

2.9



General Surgeon & Urologist

Dr. Aya Khan Afridi

FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)



آنے سے پہلے رابطہ کریں۔

New China Kidney Stone Centre 091-2590612  
Peshawar City. PMDC Reg No.10733-N

جنرل سرجن اینڈ یورالوجسٹ

ڈاکٹر آیا خان آفریدی

ایف سی پی ایس (سرجری)  
ایم سی پی ایس (سرجری)  
ایم آری ایس (انگلینڈ)

نیو چینا کڈنی سٹون سنٹر

P.Name Shehzad Jamal Age 37y Sex ♂ Date 13-05-201

Clinical Record

B/L Flanks pain,  
Nausea,  
G.B.A;

O/E  
vitaly normal

Adv  
US Abd/Pelvic  
X-Ray KUB  
Urine R/E

Rx

Δ B/L HDN ē (R) Renal  
Stone 24mm.

Adv: (ESWL)

Rx  
Tab Umid 500mg  
Tab Renithon 50  
Cap Lisek 50mg  
Tab Exocit 1000

Next visit: After one  
month for 2nd session

دوبارہ معائنہ

Needs complete home care  
Dr. Aya Khan Afridi  
رہنے، پلاننگ، مشائے، کی بچھڑاؤ، پین، بغیر بے ہوشی مشقی علاج بذریعہ (امریکن لیٹھوٹریسی مشین)

اوقات کار: دوپہر 1 بجے تا رات 6 بجے

091-2590612: فون: نیا چینا کڈنی ہسپتال پشاور  
New China Kidney Stone Centre  
علی میڈیکل سنٹر بمقابلہ ایمر جنسی گیٹ لیڈی ریڈنگ ہسپتال پشاور

General Surgeon & Urologist

Dr. Aya Khan Afridi

FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)



آنے سے پہلے رابطہ کریں۔

New China Kidney Stone Centre 091-2590612  
Peshawar City. PMDC Reg No.10733-N

۱۵ - ۵ - ۲۰۲۱

جنرل سرجن اینڈ یورا لوجسٹ

ڈاکٹر آیا خان آفریدی

ایف سی پی ایس (سرجری)  
ایم سی پی ایس (سرجری)  
ایم آری ایس (انگلینڈ)

نیو چینا کیڈنی سٹون سنٹر

P.Name Shehzad Jamal Age 37y Sex ♂ Date 16-06-2021

Clinical Record

Rx

Post ESWL  
Stone has broken  
But still need  
of 2nd session

Adv  
ESWL

Tab Enoxalid 400mg

Tab Cef Con

Cap Esmega 400mg

Cap Max Sartil

Cap Famsulin 0.4mg

Adv: For 3rd visit,

After "2" months

Need complete bed rest

دوبارہ معائنہ

اوقات کار: دوپہر 1 بجے تا رات 6 بجے

رودے، پورٹ، مٹانے، کی پتھری کا بغیر آپریشن، بغیر بے ہوشی مشین علاج بذریعہ (امریکن لیتھوٹریپسی مشین)

091-2590612: فون: علی میڈیکل سنٹر بلحاظ مقابل ایمر جنسی گیٹ لیڈی ریڈنگ ہسپتال پشاور

Dr. Aya Khan Afridi  
FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)  
Consultant Surgeon  
New China Kidney Center Peshawar

General Surgeon & Urologist

Dr. Aya Khan Afridi

FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)



آنے سے پہلے رابطہ کریں۔

New China Kidney Stone Centre 091-2590612  
Peshavar City. PMDC Reg No.10733-N

9

جنرل سرجن اینڈ یورالوجسٹ  
ڈاکٹر آیا خان آفریدی

ایف۔ سی۔ پی ایس (سرجری)  
ایم سی پی ایس (سرجری)  
ایم آری ایس (انگلینڈ)

نیو چائنا کڈنی سٹون سنٹر

P.Name Shehzad Jamal Age 37y Sex M Date 15-08-20

Clinical Record



Post ESWL  
on lot of pieces  
of stones passes  
but need  
further  
session

ADU  
ESWL

دوبارہ معائنہ

Tab. Lcyn 500mg

Tab. Diagesic - P

Cap. Es-Cove

Cap. Protreal

SNP Citralka

2 2 2 2 2 2

For last session patient  
need to visit ad  
month to clear the stone

Dr. Aya KHANA  
FCPS  
MCPS  
MRCS  
Consultant Surgeon

New China Kidney Center P

اوقات کار: دوپہر 1 بجے تا رات 6 بجے

رہائے، یورینر، مٹائے، پی پیٹرن کا بغیر آپریشن، بغیر بے ہوشی مشینی علاج بذریعہ (امریکن لیتھوٹریپی مشین)

091-2590612: فون علی میڈیکل سنٹر بلقابل ایمر جنسی گیٹ لیڈی ریڈنگ ہسپتال پشاور



Dr. Aya Khan Afridi  
General Surgeon and  
Urologist

# NEW CHINA DOPPLER Ultrasound Clinic

**Dr Ghayas Khattak**

MBBS, M.D., RMPP, FRC Islamabad  
Member, Ultrasound society of Pakistan.

Name: -Shehzad Jamal .

Date:06/12/2019

## Abdominal Ultrasound.

Liver appear normal in size , shape and echo pattern appear in normal parenchymal echo texture without focal defect , PV & CBD are measure within normal limits

Normally distended gall bladder with normal wall thickness. no stone or sludge

Both kidneys are normal in size , shape and position and normal parenchymal echo texture without focal defect . no stone or hydronephrosis on either side.

Spleen and pancreas are normal morphologically . Upper para-aortic region appear normal. No free fluid noticed in peritoneal cavity.

No urinary bladder lesion is noticed.

➤ Normal Study.

  
Dr. Ghayas Khattak

**نیو چائنا کڈنی سٹون سنٹر**

علی میڈیکل سنٹرز دلیڈی ریڈنگ ہسپتال بالمقابل ایمرجنسی اینڈ اوپٹی ڈی گیٹ پشاور شہر

فون: 091-2590612 - 0333-9134099



General Surgeon & Urologist

Dr. Aya Khan Afridi

FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)



آنے سے پہلے رابطہ کریں۔

New China Kidney Stone Centre 091-2590612  
Peshawar City. PMDC Reg No.10733-N

جنرل سرجن اینڈ یورا لوجسٹ

ڈاکٹر آیا خان آفریدی

ایف سی پی ایس (سرجری)  
ایم سی پی ایس (سرجری)  
ایم آری ایس (انگلینڈ)

نیو چینا کڈنی سٹون سنٹر

P.Name Shehzad Jamal Age 37y Sex ♂ Date 06-12-2019

Clinical Record

Rx

ESWL Done  
three sessions  
Stone has  
cleared  
Patient also  
have no problem

Tab Exocit

Tab More-S

Cap Risek

40mg

Dr. Aya Khan Afridi

FCPS (Surgery)  
MCPS (Surgery)  
MRCS (England)

Consultant Surgeon

New China Kidney Center Peshawar

دوبارہ معائنہ

گروے، یوریتھ، مٹانے، کی پتھری کا بغیر آپریشن، بغیر بے ہوشی مشینی علاج بذریعہ (امرین لیتھوٹریپسی مشین) اوقات کار: دوپہر 1 بجے تا رات 6 بجے

091-2590612: فون ہسپتال پشاور فون: 091-2590612



B

12

(10)

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Shahzad No.2784 of Capital City Police Peshawar with the following irregularities.

"That you Constable Shahzad No.2784 while posted at PS Sarband, Peshawar were absent from duty w.e.f 23.05.2019 to 06.12.2019 (197-days) without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Shahzad No.2784 the final show cause notice.

The Enquiry Officer, SDPO Saddar, Circle, after completion of departmental proceedings, has recommended you for major punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied, that you Constable Shahzad No.2784 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. ~~If no~~ If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

No. 56/e /PA, SP/HQrs: dated Peshawar the 11/6 /2020.

Copy to official concerned . .



3

14

29-7-20

**ORDER**

This is a formal departmental proceeding against **Constable Shahzad No.2784** on the allegations/charges that he while posted at PS Sarband, Peshawar absented himself from lawful duty w.e.f 23.05.2019 to 06.12.2019 (06-months & 17-days) without taking permission or leave.

In this regard, he was issued charge sheet & summary of allegation. SDPO Saddar Circle was appointed as E.O. He conducted **the enquiry & submitted his report/findings that the alleged official found guilty. The E.O further recommended major punishment for defaulter official-**

Upon the finding of E.O, he was issued final show cause notice, delivered to him on home address through local Police PS Chamkani. He received by himself but he failed to submit reply of the said notice within stipulated period of 07-days or appear before this office as yet.

**Note:** A fresh DD report of MM PS Gulberg also obtained. He reported that the alleged official again absented from duty w.e.f 25.06.2020 till date.

From perusal of the findings of E.O and other material **available on record** it has been proved beyond any shadow of doubt that the alleged official is guilty of deliberate absence from lawful duty. **Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 23.05.2019 to 06.12.2019 & from 05.06.2020 till date is treated without pay.**

  
**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 1803 / Dated 29/7/2020

No. 3821-27 /PA/SP/dated Peshawar the 29/07/2020

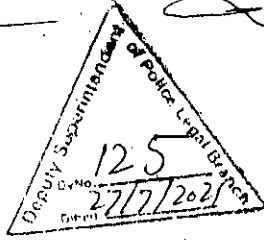
Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI,
- ✓ CRC & FMC along-with complete departmental file.

*Mr. Wali*  
*make entry in SR*  
*CM*  
*04/08*

خدمت صاحب کیشی پولیس آفسیئر لکھنؤ  
درخواست مراد دوبارہ بحالی نوکری

Dy: No. 976 PA-CCPO  
Dt: 26/07/2021  
Encl:



صاحب عالی!

FMC.

For record  
S. Alam  
Dy. Supt. Pol.

گزارش ہیرو سائل 2003 کا عدالتی سہ 2  
بوجہ بیماری سائل سے عیض طافون سرزد ہوئی  
صن کے بناء پیر سائل کو صاحب اس صاحب صاحب کو  
نے بحوالہ آرڈر نمبر 1803 مورخہ 29-7-2020 نوکری سے ڈسمن کیا۔

صاحب والا سائل نے عیض طافون عقدہ اعمہ ایس  
کی حق بنکم سائل گروں کی بیماری میں مبتلا  
صن کی علاج معالجہ کیلئے عیض طافون سرزد ہوئی  
سائل بالائے دار عیض طافون سے تعلق رکھتا  
نہر یح در خواست اسے حاد صیکر سائل کو دوبارہ  
نوکری پر بحال کرنے سے مشکور نہ رہیں۔

SPP/L

Per Comments

PL

PA  
CCPO  
26/7/21

اللہ اعلم

سایہ کشیہ شہزاد جمال نمبر 2784

0313 9556006



F 18 9-9-23

**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR**


**ORDER.**

This order will dispose of the departmental appeal preferred by **Ex-FC Shahzad Jamal No. 2784** who was awarded the major punishment of **“dismissal from service”** under PR-1975 by SP/HQRs: Peshawar vide OB No. 1803, dated 29.07.2020.

2- Short facts leading to the instant appeal are that the accused constable during his posting at Police Station Sarband was proceeded against departmentally on the charges of his wilful absence w.e.f 23.05.2019 to 06.12.2019 and w.e.f 25.06.2020 till his dismissal i.e 29.07.2020 (total 8-months & 7-days)

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQRs: Peshawar and SDPO Saddar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings and recommended the official for major punishment. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notice, but he failed to submit his reply to the Final Show Cause Notice, hence awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for setting aside the punishment awarded to him by SP-HQRs: Peshawar vide OB No. 1803 dated 29.07.2021 is hereby rejected/filed, being also time barred.

  
**(ABBAS AHSAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

No. 2798-2801 /PA dated Peshawar the 09 / 09 /2021  
Copies for information and necessary action to the :-

1. SP/HQRs: Peshawar.
2. OASI, CRC with the direction to made necessary entry in his S.Roll.
3. FMC along with Fuji Missal.
4. Official Concern.

حضرت ضیا - ایگزیکٹو ڈائریکٹر آف پولیس ضلع مظفر آباد

پلڈا ور

عنوان :- رقم درخواست برائے بحالی

ضیا - عالی!

گزارشاً ہدیہ سائل سے بوجہ بیماری عینہ حافی  
سرزد ہوئی۔ اسی کے تبادلہ پر سائل کو رقم سے  
ڈسمنس کیا گیا۔ سائل نے برائے بحالی ضیا - 0313 9556006  
کو ای میل کی جس کو Reject کیا گیا۔

ضیا - والا! سائل نے عینہ حافی حیدرآباد عمرائیں  
کی تھا بلکہ بوجہ بیماری سرزد ہونے کی  
وجہ سے عینہ حافی سرزد ہوئی۔ سائل ہاں بچے دار  
غریب ہے۔ پولیس کی نوکری میں آمدن کا معاوضہ  
ہے۔ سائل نے غریب کی وجہ سے بچوں کو سکول سے  
اٹھالیا۔ نذر پور درخواست استدار حکیم سائل کو  
ایسا چانس دیکھ لو کہ پھر بحال کرنے سے متعلقہ  
سائل زندگی بھر دعا کر رہے ہیں۔  
سائل لکھنؤ

تقریب 14/9/21

پلڈا ور

آپ کی مجلس شرفاء کمال غز 2784 مقیمہ 0313 9556006  
کال ڈسٹنس 0318 452 2452



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

No. S/ 3811

/21, dated Peshawar the 25/10/2021.

To : The Capital City Police Officer,  
Peshawar.

Subject:- REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Shahzad Jamal No. 2784 of Peshawar district Police against the punishment of dismissal from service awarded by Superintendent of Police, HQrs: Peshawar vide OB No. 1803, dated 29.07.2020 being badly time barred.

The applicant may please be informed accordingly.

(NOOR AFGHAN)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Received from  
office on 29/10/21

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Misc. A. No. \_\_\_\_\_/2021

IN

S. A. No. \_\_\_\_\_/2021

Shahzad Jamal                      versus                      S.P Hqr: & Others

**APPLICATION FOR CONDONATION OF DELAY**

**IF ANY:**

**Respectfully Sheweth,**

1. That applicant filed the subject appeal before this Hon'ble Tribunal for reinstatement in service.
2. That as is evident from the prescription receipts admitted by the department, applicant was ill and was unable to file the appeal well within time as kidney disease takes years for recovery.

It is, therefore, most humbly requested that the delay, if any, be condoned in the interest of justice and the case be decide on merit.

*S. Jamal*

Applicant

Through

*Saadullah Khan Marwat*

Saadullah Khan Marwat  
Advocate

Date: 12-11-2021

20

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Misc. A. No. \_\_\_\_\_/2021

IN

S. A. No. \_\_\_\_\_/2021

Shahzad Jamal

versus

S.P Hqr: &amp; Others

**AFFIDAVIT**

I, Shahzad Jamal S/O Mukhtiar Khan, Ex- Constable No. 2784, Capital City Police, Peshawar (appellant), do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief



DEPONENT

**"B"**

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

No.

Appeal No. 7815 of 20 21

Shahzad Jamal Appellant/Petitioner

*Versus*  
Superintendent Police H.A. Peshawar Respondent

Respondent No. 3

Notice to: — Provincial Police Officer U.P.U Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 7/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

*Pre-Admission Notice for Reply*

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 21<sup>st</sup>

Day of Jan 20 22

*Handwritten signature*

*Handwritten signature*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.



**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD 8B  
PESHAWAR.

No.

Appeal No. 7815 of 20 21  
Shah zad Jamal Appellant/Petitioner

Superintendent Police <sup>Versus</sup> HQs: Peshawar.  
Respondent

Respondent No. 1

Superintendent of Police HQs:  
Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 7/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice for Reply

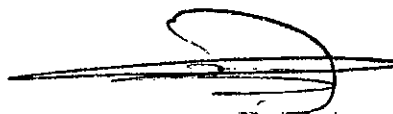
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 21<sup>st</sup>

Day of Jan 2022.

*Received*  
*11/21/22*  
*12:40*



Registrar;  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

"B"

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

No.

Appeal No. 7815 of 20 21  
Shah Zad Jamal

Appellant/Petitioner  
Superintendent Police HQ Peshawar

Respondent

Respondent No. 2  
capital city police officer Peshawar

Notice to: 1.02.2021

*Revised today*  
*1.02.21*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 7/3 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. *pre-registered notice for Peshawar*

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 21/11

Given under my hand and the seal of this Court, at Peshawar this.....  
Jan 22  
Day of.....20

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

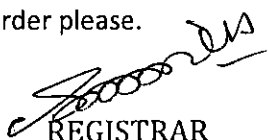

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and GAZETTED HOLIDAYS.  
2. Always quote Case No. While making any correspondence.

Form- A

### FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7815/2021

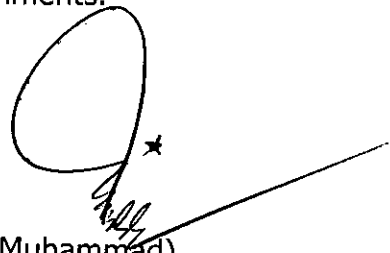
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/12/2021	<p>The appeal of Mr. Shahzad Jamal resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>17/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

17.01.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case contended that the appellant has been dismissed from service vide impugned order dated 29.07.2020 against which he filed departmental appeal on 26.07.2021. The appellate authority rejected/filed the departmental appeal vide appellate order dated 09.09.2021, where-after he approached the service Tribunal invoking its jurisdiction under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. As the impugned order dated 29.07.2020 was appealed against to the appellate authority on 26.07.2021 i.e. after one year therefore, the departmental appeal if time barred the subsequent service appeal would also be considered being time barred in the light of various judgements of the august Supreme Court of Pakistan. Being question of limitation, let pre-admission notices be issued to the respondents to submit their reply/Parawise comments.

Adjourned to 03.03.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

3-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 3-6-2022

  
Reader

3<sup>rd</sup> June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Reply has not been submitted as yet by the respondents. Learned AAG seeks some time. Granted as a last chance subject to cost of Rs. 5000/-, failing which their right to reply shall be deemed as struck off by virtue of this order. Case to come up reply/P.H on 21.07.2022 before S.B.



**Chairman**