

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

CHECK LIST

1.	Case title <u>Shah Nawaz vs - Police</u>		
2.	Case is duly signed.	Yes <input checked="" type="checkbox"/>	No
3.	The law under which the case is preferred has been mentioned.	Yes <input checked="" type="checkbox"/>	No
4.	Approved file cover is used.	Yes <input checked="" type="checkbox"/>	No
5.	Affidavit is duly attested and appended.	Yes <input checked="" type="checkbox"/>	No
6.	Case and annexure are property paged and numbered according to index.	Yes <input checked="" type="checkbox"/>	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes <input checked="" type="checkbox"/>	No
8.	Certified copies of all requisite documents have been filed.	Yes <input checked="" type="checkbox"/>	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes <input checked="" type="checkbox"/>	No
10.	Case is within time.	Yes <input checked="" type="checkbox"/>	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes <input checked="" type="checkbox"/>	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500 , for other as required}	Yes <input checked="" type="checkbox"/>	No
13.	Power of attorney is in proper form.	Yes <input checked="" type="checkbox"/>	No
14.	Memo of addressed filed.	Yes <input checked="" type="checkbox"/>	No
15.	List of books mentioned in the petition.	Yes <input checked="" type="checkbox"/>	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes <input checked="" type="checkbox"/>	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes <input checked="" type="checkbox"/>	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes <input checked="" type="checkbox"/>	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:- **Roeda Khan**
Advocate High Court
Peshawar

Signature: - 
Dated: - _____

FOR OFFICE USE ONLY

Case: - _____
Case received on _____
Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____
(Reader)


Dated: - _____
Countersigned: - _____
(Deputy Registrar)

The appeal of Mr. Shah Nawaz son of Muhammad Nawaz r/o Garhi Ismail Zai P/O Garhi Kapora District Mardan received today i.e. on 24.12.2021 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 may be prepared according to the rules.
- 2- 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.
- 3- Copies of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.


No. 2579 /S.T,

Dt. 24/12 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Roeda Khan Adv. Pesh.

In Response of objection No 2 to 3
No charge sheet, statement of allegation,
No inquiry has been conducted
against the appellant. The Reason
of objection has also been mentioned
in part 4 of appeal.


28/12/2021

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 7942 /20201

Shah Nawaz

VERSUS

District Police Officer Mardan & Others

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6.	Copies of rejection order dated 01.03.2021 & 26.11.2021	"B" & "C"	
7.	Wakalatnama		

شاه نواز
APPELLANT

Through

Roeeda Khan
Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 24/12/2021

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Shah Nawaz S/o Muhammad Nawaz R/o Garhi Ismail
Zai P/o Garhi Kapora Tehsil & District Mardan.

Appellant

VERSUS

1. District Police Officer Mardan.
2. Regional Police Officer Mardan
3. Inspector General of Police KPK Peshawar.

Respondents

APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT 1974 AGAINST THE
ORDER DATED 01-01-2021, WHEREBY THE
APPELLANT HAS BEEN AWARDED MAJOR
PUNISHMENT OF DISMISSAL FROM SERVICE
AND AGAINST WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL WITHIN ONE MONTH
FROM THE COMMUNICATION OF THE
IMPUGNED ORDER ON DATED 01.01.2021
WHICH HAS BEEN REJECTED ON 01/03/2021 ON
NO GOOD GROUNDS.

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL
THE IMPUGNED ORDERS DATED
01/01/2021, REJECTION ORDERS DATED

2

01.03.2021 & 26.11.2021 MAY KINDLY BE
SET ASIDE AND THE APPELLANT MAY
KINDLY BE REINSTATED IN SERVICE
ALONG WITH ALL BACK BENEFITS.
ANY OTHER REMEDY WHICH THIS
AUGUST TRIBUNAL DEEMS FIT THAT
MAY ALSO BE ONWARD GRANTED IN
FAVOUR OF APPELLANT..

Respectfully Sheweth,

1. That the Appellant was appointed as Constable since long time at District Mardan police.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while performing his official duty with respondent department, the impugned order dated 01.01.2021 has been passed against the appellant where by the appellant has been dismissed from service. (Copy of dismissal order is attached as annexure "A").
4. That against the said impugned order the appellant submitted departmental appeal within one month from the communications of the impugned order dated 01.01.2021 which has been rejected on 01.03.2021 after taht the appellant filed revision petition within one month from the rejection order which has been

rejected on 26.11.2021 on no good grounds, but unluckily the appellant has not been kept the copies of departmental appeal as well as copy of revision petition with himself. (Copies of rejection order dated 01.03.2021 & 26.11.2021 are attached as annexure "B" & "C").

5. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

A. That the impugned order dated 01/01/2021 and the rejection orders dated 01/03/2021 and 26.11.2021 are void and ab-initio order because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.

B. That no charge sheet and statement of allegation has been issued or served to the appellant, which is a clear cut violation of Rule-6 (A) (B) of police Rules-1975.

C. That the impugned order is also void because no regular or departmental inquiry was conducted against the appellant which

4)

is mandatory before imposing the major penalty and no opportunity of personal hearing and defense has been provided to the appellant relied upon a judgment reported on 2003 PLC (CS) Page 365 on 2021 PLC (CS) page 235 as well as judgment of this Tribunal in service appeal No. 1181/2018 decided on 17.09.2021.

D. It is a well settled principle of law no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

E. That no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.

F. That no show cause notice has been issued against the appellant by the respondent department.

G. That there is no proof and evidence regarding the allegation leveled against the appellant with respondent department.

(5)

H. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this Appeal the impugned orders dated 01/01/2021, Rejection Orders dated 01.03.2021 & 26.11.2021 may kindly be set aside and the appellant may kindly be reinstated in Service along with all back benefits. Any other remedy which this August Tribunal deems fit that may also be onward granted in favour of appellant.


APPELLANT

Through


Roeeed Khan

& 
Sheeba Khan

Advocates, High Court
Peshawar.

Dated: 24/12/2021

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

(6)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/20201

Shah Nawaz

VERSUS


District Police Officer Mardan & Others

AFFIDAVIT

I, Shah Nawaz S/o Muhammad Nawaz R/o Garhi Ismail Zai P/o Garhi Kapora Tehsil & District Mardan, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


DEPONENT

IDENTIFIED BY:

Roeeda Khan 
Advocate High Court
Peshawar.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/20201

Shah Nawaz

VERSUS

District Police Officer Mardan & Others

ADDRESSES OF PARTIES

PETITIONER.


Shah Nawaz S/o Muhammad Nawaz R/o Garhi
Ismail Zai P/o Garhi Kapora Tehsil & District
Mardan.

ADDRESSES OF RESPONDENTS

1. District Police Officer Mardan.
2. Regional Police Officer Mardan
3. Inspector General of Police KPK Peshawar.


APPELLANT

Through


~~Rozeeda Khan~~
Advocate, High Court
Peshawar.

Dated: 24/10/2021

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/20201

Shah Nawaz

VERSUS

District Police Officer Mardan & Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That while performing his official duty with respondent department, the impugned order dated 01.01.2021 has been passed against the appellant where by the appellant has been dismissed from service.
3. That against the said impugned order the appellant submitted departmental appeal within one month from the communications of the impugned order

dated 01.01.2021 which has been rejected on 01.03.2021 after that the appellant filed revision petition within one month from the rejection order which has been rejected on 26.11.2021 on no good grounds, but unluckily the appellant has not been kept the copies of departmental appeal as well as copy of revision petition with himself.

GROUND:


- A. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.
- B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.
- C. That there are many judgment of the superior court as well as specific provision of service law that limitation has been counted from the date of communication/knowledge.

(10)

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

APPELLANT

Through


Roeeda Khan
&
Sheeba Khan
Advocates, High Court
Peshawar.

Dated: 24/12/2021



**DISTRICT POLICE OFFICER,
MARDAN**

Tel. No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 27-28 /PA

Dated 04/11/2020

ORDER ON ENQUIRY OF CONSTABLE SHAH NAWAZ NO.2614

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Post Machi PS Rustam (Now under suspension Police Lines) was placed under suspension and closed to Police Lines vide this office OB No.1834 dated 19-10-2020, issued vide order/endorsement No.5544-47/OSI dated 20-10-2020, on account of that as per SDPO Rural Mardan office letter No.764/ST dated 06-10-2020, complaining therein that Constable Shah Nawaz is habitual Ice/Charas Smoker and absentee with taking no interest in official duty.

It may be mentioned here that he on routine basis handing over his Rifle to a private person namely Akib Khan Son of Anwar Khan, resultantly on 05-10-2020, the said person injured himself with the said Rifle, bringing a bad name for entire Police Force.

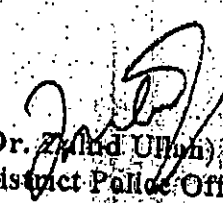
In order to ascertain real facts, the alleged official was proceeded against departmentally through Qazi Asmat Ullah SDPO/Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.402/PA dated 04-11-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.707/ST dated 20-11-2020, concluding that the alleged official was contacted time and again to appear before the enquiry officer with producing written statement, but in-vain, so recommended him for ex-parte action.

Final Order

Constable Shah Nawaz was heard in OR on 30-12-2020 & given opportunity to clarify his position, but he failed to present any plausible reasons in his defense, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 07

Dated 01/01/2021


(Dr. Zaid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQs Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () Sheets.

"B"

(12)

16-2-21

(1)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Shah Nawaz No: 2614** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 07 dated 01.01.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Machi Police Station Rustam, was found involved in smoking chars/ice. Besides, he was allegedly involved in handing over his Official Rifle to a private person namely Aqib Khan Son of Anwar Khan, who was injured with the said Rifle.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Katlang, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the appellant was contacted time and again to appear before the enquiry Officer, but he failed to do so, which showed that he was no more interested in Police Service. He recommended the appellant for ex-parte action.

The delinquent Officer was called in Orderly Room on 30.12.2020 and was heard in person by the District Police Officer, Mardan, but he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide his office Memo: No. 07 dated 01.01.2021.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.02.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that the allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities has certainly stigmatized the prestige of entire Police Force. Moreover, the very conduct of appellant is unbecoming of a disciplined/uniformed Officer as despite being summoned by the enquiry officer he did not bother to join the enquiry proceedings. Moreover, the appellant had been also earlier dismissed from service on 23.01.2015 on the basis of absence from duty. The conduct of appellant clearly depicts his irresponsible and casual attitude towards the norms of a disciplined force.

Keeping in view the above, I, **Sher Akbar, PSP S.St Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

**Regional Police Officer,
Mardan.**

No. 1169 /ES, Dated Mardan the 01 - 03 - /2021.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 43/LB dated 09.02.2021. His service record is



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shah Nawaz No. 2614. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 07, dated 01.01.2021 on the allegations that he while posted at Police Post Machi Police Station Rustam, was found involved in smoking chars/ice. Besides, he was allegedly involved in handing over his Official Rifle to a private person namely Aqib Khan Son of Anwar Khan, who was injured with the said Rifle. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 1169/ES, dated 01.03.2021.

Meeting of Appellate Board was held on 26.10.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.


Serious allegations of handing over his Official Rifle to a private person namely Aqib Khan Son of Anwar Khan, who was injured with the said Rifle were leveled against the petitioner. Moreover, he is also addicted to narcotics. The petitioner could not produce cogent evidence of his innocence. He has earned 55 bad entries during his service. His act of misconduct is very serious. Therefore, the Board decided that his petition is hereby rejected.

Sd/-
(MOAZZAM JAH ANSARI) PSP
(QPM, UNPM, NSWC)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 4443-49 /21, dated Peshawar, the 26.11 /2021.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 2516/ES, dated 20.05.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.


(ZEESHAN ASGHAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Handwritten signature

اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔




میں نے اپنے خیالات کے مطابق اسے پیکر کے لیے استعمال کیے جانے سے منع ہے۔

گاہک کے لیے اطلاع

<p>نام: _____</p> <p>پتہ: _____</p> <p>تعلقہ: _____</p> <p>نمبر: _____</p> <p>تاریخ: _____</p> <p>ذمہ دار: _____</p>	<p>اسٹور</p> <p><i>(Handwritten signature and stamp)</i></p>
--	--

اسٹور کے لیے استعمال کیے جانے سے منع ہے۔

<p>پتہ: _____</p> <p>تعلقہ: _____</p> <p>نمبر: _____</p>	<p>تاریخ: _____</p>
	<p>109566</p>

“B”

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

No. 7962 21
Appell/No. Shah Nawaz of 20
Appellant/Petitioner
D.P.O Mardan.
Respondent
Distt. Police Office Mardan

Recd

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.....at 8.00 A.M. If you wish to urge anything against the appellent/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.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 1/16

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

for Reply

[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,
PESHAWAR.

S.B

No.

Appeal No. 7942 of 20 21

Shah Nawaz Appellant/Petitioner,
 Versus

Copy

D.P.O Mardan Respondent
 Respondent No. 2

Notice to: — Regional Police Officer Mardan.

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~~ 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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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 1st Day of June 2022

for Reply

[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,
PESHAWAR.

No. 7942 21

Appeal No. Shah Nawaz of 20

D.P.O Maddan Appellant/Petitioner
Versus

3 Respondent

Inspector General of Police P.P.K
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..... 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.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 1/11

Given under my hand and the seal of this Court, at Peshawar this.....

Day of for Reply.....20

03/11

[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.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7942 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/12/2021	<p>The appeal of Mr. Shah Nawaz resubmitted today by Roeda Khan 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-	18.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>18/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

16.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 01.01.2021 whereby he was awarded the major penalty of dismissal from service. Departmental appeal was submitted but copy thereof is not attached with memorandum of appeal. However, as it is evident from the appellate order dated 01.02.2021, it was rejected being devoid of merit. The appellant also filed revision petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 which was rejected on 26.11.2021 whereafter the instant service appeal was instituted on 24.12.2021. It was further contended that the impugned order is void ab-initio as no charge sheet/statement of allegations issued to the appellant. No Show Cause Notice issued/communicated and no opportunity of personal hearing afforded to appellant and the department has held ex-parte proceedings against the appellant which are not sustainable in the eye of law and natural justice.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 21.07.2022.

(Mian Muhammad)
Member(E)

Rs 500/-
Appellant Deposited
Security & Process Fee
20/5