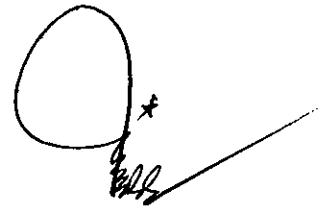


30.03.2022

Counsel for the appellant present.

The instant service appeal has been instituted on 23.10.2019 and it is being adjourned since then on the request of learned counsel for the appellant. Considering her non-serious attitude regarding non prosecution of the case i.e to argue the case at the stage of preliminary hearing, last opportunity was granted on 27.01.2022. Today, it was again requested to adjourn the case for 31.03.2022. Request can be acceded to but subject to impose cost of Rs. 2000/- to be deposited in the office of Registrar Service Tribunal. Adjourned. To come up for preliminary hearing on 06.05.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

06.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned to 27.07.2022 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

27.01.2022

None for the appellant present.

The instant service appeal has been adjourned since 14.09.2019 and preliminary hearing could not be addressed till date. Learned counsel for the appellant is therefore, afforded last opportunity to argue the case in preliminary hearing. Adjourned. To come up for preliminary hearing on 29.03.2022 before S.B.



(Mian Muhammad)
Member(E)

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

~~_____~~
~~_____~~

28.09.2021

None for the appellant present.

Notices be issued to the appellant and his counsel.
Adjourned. To come up for preliminary hearing before the S.B
on 24.11.2021.

(MIAN MUHAMMAD)
MEMBER (E)

~~Event of appellant present. Call of a committee
for the purpose of the hearing of the case
is hereby dismissed for non-presence. The
case is to be heard on 24.11.2021.~~

24.11.2021

None for the appellant present.

Fresh notices be issued to the appellant and his counsel.
Adjourned. To come up for preliminary hearing on 27.01.2022
before S.B.

Noted
15-12-2021

(MIAN MUHAMMAD)
MEMBER (E)

1529/2019

24.09.2020


Syed Numan Ali Bukhari, Advocate on behalf of counsel for the appellant present.

Requests for adjournment as learned counsel is indisposed today. Adjourned to 24.11.2020 before S.B.


Chairmah

24.11.2020

Learned counsel for appellant is present. He requests for adjournment that he has not prepared the brief of the instant appeal. Adjourned to 16.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

16.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 28.06.2021.


Reader

28.06.2021

Appellant present through counsel.

Issue involved in the instant case is pending before Larger Bench of this Tribunal. Therefore, request for adjournment was made on behalf of appellant.

Adjourned to 28.09.2021 for hearing before S.B.


(Rozina Rehman)
Member(J)

22.01.2020

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 05.03.2020 in order to avail the outcome of case(s) pending before the Larger Bench regarding retrospective punishment.


Chairman

05.03.2020

Counsel for the appellant present and seeks adjournment. Adjourned to 20.04.2020 in order to avail the outcome of case(s) pending before the Larger Bench regarding retrospective punishment.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 16.07.2020 for the same. To come up for the same as before S.B.

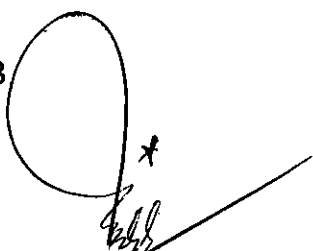

Reader

16.07.2020

None for the appellant present.

On the previous date of hearing the case was adjourned through Reader note, therefore, notices be issued to the appellant and his counsel.


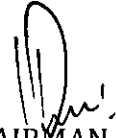

Adjourned to 24.09.2020 before S.B.


(Mian Muhammad)
Member(E)

FORM OF ORDER SHEET

Court of _____

Case No.- 1529/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/11/2019	<p>The appeal of Mr. Sifat Ullah 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 14/11/19</p>
2-	18/11/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	20.12.2019	<p>Counsel for appellant present.</p> <p>Learned counsel requests for adjournment of instant matter to a date after the hearing of matter involving retrospective punishment by a larger bench of this Tribunal.</p> <p>Adjourned to 22.01.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

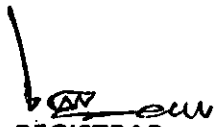
*P-4
delay*

The appeal of Mr. Sifat Ullah Constable No. 1818 Police Lines Bannu received today i.e. on 23.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- 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.
- 5- Copies of departmental appeal, revision petition and its rejection order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 7- Wakalat nama in favour of appellant be placed on file.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1851 /S.T,

Dt. 24/10 /2019.


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

Sir

*Re-Submitted after compliance. Copy of show
Cause notice and other documents are not available.
14/11/2019*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1529 /2019

SIFAT ULLAH

V/S

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 2.
2	Impugned order	A	3.
3	Departmental appeal	B	4.
4	Rejection order	C	5.
5	Revision	D	6.
6	Appellate order	E	7.
7	Vakalat nama	8.

APPELLANT

THROUGH:

Uzma Syed
UZMA SYED
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2019

Mr. Sifat Ullah, Constable No.1848,
Police Lines, Bannu.....

APPELLANT

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1482

Dated 23/10/2019

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- 3- The Superintendent of Police, FRP, Bannu.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.05.2009 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 17.09.2019 COMMUNICATED TO THE APPELLANT ON 24.09.2019 WHEREBY REVISION PETITION OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned order dated 28.05.2009 and 17.09.2019 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Filed to-day
Registrar
3/10/19

R/SHEWETH:

ON FACTS:

- 1- That appellant was the employee of the respondent Department and was serving as constable No. 1818 in the respondent Department quite efficiently and upto the entire satisfaction of his superiors.
- 2- That due to some domestic problems the appellant was absented from duty. That after resolving the said problems the appellant visited the concerned quarter for rejoining of his duty but the respondents was not willing to accept the arrival of appellant. That appellant time and again visited the concerned quarter for joining of his duty but in vain.
- 3- That lastly the respondent Department handed over the impugned order dated 28.05.2009 whereby the appellant was removed from his service. Copy of the impugned order is attached as annexure.....A.

- 4- That appellant feeling aggrieved from the impugned order dated 28.05.2009 filed Department appeal which was rejected vide dated 07.05.2019 on no good grounds. That appellant feeling aggrieved preferred revision petition before the respondent No.1 but the same was also rejected on 17.09.2019 which was communicated to the appellant on 24.09.2019. Copies of the Departmental appeal, rejection order, revision petition and appellate order dated 17.09.2019 are attached as annexure.....B, C, D & E.
- 5- That appellant feeling aggrieved from the impugned orders dated 28.05.2009 and 17.09.2019 filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 28.05.2009 and 17.09.2019 are against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondent violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent acted in arbitrary and mala fide manner while issuing the impugned removal order dated 28.05.2009.
- D- That no charge sheet and statement of allegation has been issued to the appellant before issuance of the impugned order dated 28.05.2009.
- E- That no show cause notice has been served on the appellant before issuing the impugned order dated 28.05.2009.
- F- That no chance of Personal Hearing / Defense been provided to the appellant before issuance of the impugned order dated 28.05.2009.
- G- That the punishment of removal from service has been awarded to the appellant from retrospective date, which is not tenable in the eye law hence the same is void ab initio.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

Date 23-10-2019

APPELLANT

Sifat Ullah
SIFAT ULLAH

THROUGH:

Uzma Syed
UZMA SYED
ADVOCATE

A-3

ORDER

Constable Siffat Ullah No.1848 absented himself from lawful duty w.e.f 29-10-2008 till today without any leave/permission of the competent authority. He was informed through Daily Newspapers "Ausa" & "Mashriq" on 20-02-2009 but the delinquent Police Constable did not pay any heed. Consequently, a Show-cause Notice in accordance with Removal from Service (Special Powers) Ord: 2000 was sent at his home address which was properly received by his cousin Sadin on 27-04-2009 but he did not bother to report his arrival for duty or to submit his reply to Show-cause Notice. The delinquent constable had remained absent from duty for more than 06 months 05 days which inter-alia suggests that there is no likelihood of his return for duty as such he is not likely to become a good Police Officer, therefore, I, ABDUL QAYYUM IAN Superintendent of Police, FRP Bannu Range Bannu, in exercise of the power conferred upon me under the NWFP Removal from Service (Special Powers) Ord:2000, the delinquent constable Siffat Ullah No.1848 is hereby removed from Service w.e.f the date of his absence.

OB No. 367

Dated 28/05/2009


Superintendent of Police
FRP, Bannu

Siffat Ullah
48

۱۷) B - در خواست برائے عالیٰ لٹریچر

جناب عالی :-

میں قدوسی درج ذیل عمر میں گزار رہی ہوں کہ میں
آپ صحابہ کے ذریعے بطورے کانسٹیبل نمبر ۱۳۶۸ میں ریفیٹمنٹ
کے دوران لڑکی کچھ کھوپڑیوں مسائل کے بناء پر ڈسپوزیٹ سے سزا
پائی۔ بعد ازاں مسائل حل کرنے میں نے ڈسپوزیٹ پر حاضر ہونے کا سلیج
میری حاضری تسلیم نہیں کی گئی اور مجھے بطور عظم ۱۳۶۸/۱۳۷۵ کو سزا
سے برخواست کیا گیا تھا۔ جناب ولاد میں ایک ہیماٹھ ٹریپ کرنے
سے تعلق رکھتی ہوں اور لڑکی دو لڑکا در نیم آمدن میں ہے

لہذا آپ صحابہ سے عاجزانہ اپنا سس کہ ایک دوڑت
ڈسپوزیٹ پر اعمال کرنے کے اہلکار ہمارے فرمائے جائے
تا مقررہ وقت تک رہے

مورخہ ۱۳۷۶/۴/۲

العقار
صفت اللہ کانسٹیبل
FRP بیوں رینج
A

ORDER

C-5

This order will dispose of the departmental appeal preferred by ex- constable Sifat Ullah No. 1848 of FRP Bannu Range, against the order of SP FRP Bannu Range Bannu issued vide OB No. 367, dated 28.05.2009, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that during the course of his duties, he absented himself from lawful duty with effect from 29.10.2008 till the date of his removal from service i.e 28.05.2009 for total period of 07 months, without any leave permission from the competent authority.

In this regard he was issued Show Cause Notice in accordance with law which was served upon his cousin namely Saidin on 27.04.2009, through special messenger, on his Home address and Enquiry Officer was nominated to conduct proper enquiry into the matter. The Enquiry Officer submitted his findings dated 04.05.2009 wherein the delinquent constable was found guilty of the charges leveled against him. The Enquiry Officer further reported that the under enquiry constable has a habitual absenteeism seems not to be interested to continue further service in police department and therefore recommended for major punishment.

Thereafter, a notice was also published in the daily Newspapers Ausaf & Mashriq dated 20.02.2009, with directions to arrival report for duty, but the delinquent official did not turn up.

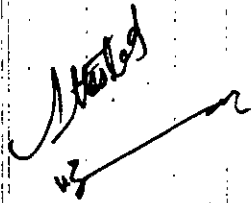
Upon the finding of Enquiry Officer and other material available on record he was awarded major punishment of removal from service vide OB No. 367, dated 28.05.2009.

Feeling aggrieved against the impugned order of SP FRP Bannu Range Bannu the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 02.05.2019.

During the course of personal hearing, the applicant failed to present any justification regarding to his prolong absence. The law helps the diligent and not indolent. The one, who wish to enforce his claim, must do it at the earliest a lachance deprive the litigant from enforcing his right. Thus the applicant has been found to be an irresponsible person who utterly disregard the discipline of the force. Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the overall discipline and conduct of the force. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

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

Order Announced.



Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 4076-77 /EC, dated Peshawar the 07/05 /2019.

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

1. SP FRP ~~Bannu~~ Range, ~~Bannu~~. His service record alongwith D-file sent herewith.
2. Ex-constable Sifat Ullah No. 1848 S/O Syed Nawaz Khan, Police Station Ghorji Wala, Village Taji Killa Adda, District Bannu.

D-6

The Inspector General of
Police, K.P., Perambur.

Subject: Revision against the Order Dated -
7/5/2019, whereby departmental appeal
of appellant has been rejected.

Respected Sir,

With due respect I was the employee
of your good self department and was serving
in Postable No-1848 FRP Bommu Range, that
during service I was removed from service
vide order dated 28/5/2009. That feeling
aggrieved from order dated 28/5/2009 filed
departmental appeal before the Commandant
FRP, K.P. but the same was rejected on
7/5/2019. I am feeling aggrieved from the order
dated 7/5/2019 preferred this revision petition
before your good self for redressal of my grievances.
It is therefore, most humbly prayed that on
acceptance of this revision petition, the impugned
order 28/5/2009 and 7/5/2019 may very kindly be
set aside and I may be reinstated into service with
all back benefits.

Dated - 22/5/2019

Attested
by

Yours Sincerely
Sifat ulah - ex-contable
FRP Bommu Range

367

8/5/09

میر صاحب سو فی کون

مدعا ہے کہ منسل کو لغزش ایمل
شکر خزانہ

عین وارش ہوگا
درد $\frac{3}{19}$

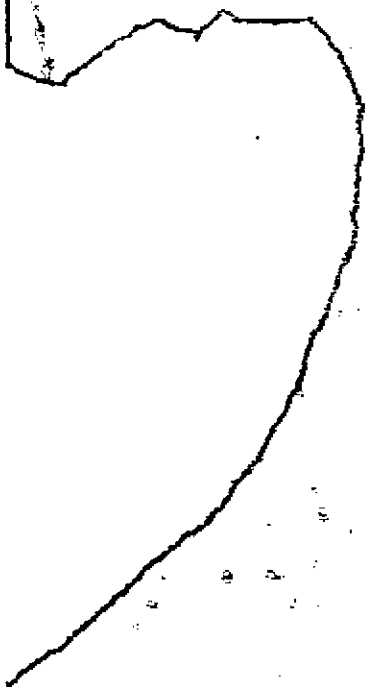
نورانی

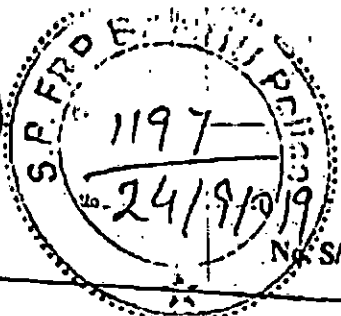
سید نور ارض

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نورانی

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

119, dated Peshawar the 17/9/2019

To : The Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Recd at the Insp. Genl. Peshawar
17/9/2019
Date: 17-9-19

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Sifat Ullah No. 1848 of FRP Bannu Range, Bannu against the punishment of removal from service awarded by Superintendent of Police, FRP Bannu Range, Bannu vide OR No. 162, dated 28.05.2009, being badly time barred.

The applicant may please be informed accordingly.

EC/Si/legat
Transmission
D: Commandant

Sifat Ullah
17/9
(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

OFFICE OF THE COMMANDANT FRP, KP, PESHAWAR.

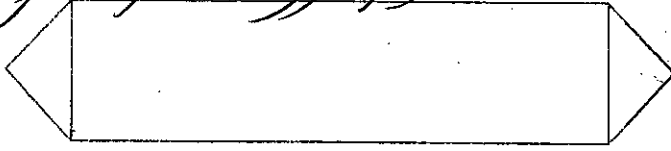
No. 8267/SI Legal, dated Peshawar the 18/09/2019

copy of the above is forwarded to the SP FRP Bannu Range, Bannu for information & further necessary action with direction to inform the applicant accordingly.

SRC
Inform to concerned official.

Amal
15/9
For Commandant FRP KP, Peshawar

بعد التعمیر و غسول اسروا کی توجیہ



دو ماہہ مکمل ہوا
برائے

2 ماہہ پنجاب
صفا اللہ بنام

مورخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیلئے علی سید احمد منیر خان صاحب کو مقرر کر 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 ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب 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 لکھ دیا کہ سندر ہے۔

صفا اللہ

20

ماہ

الرقوم

Mir Zameer Jafri
Advocate

Accepted by
Mir Zameer Jafri
Advocate

"A"

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

No.

APPEAL No. 1529 of 20 19

Mr. Sifat ullah

Appellant/Petitioner

Versus

The I.G.P KPK Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Mr. Sifat ullah, Constable
No. 1848, Police Lines
Bannu.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27/1/2022 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

M. 2/5

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.