

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 508/2018

Date of Institution ... 11.04.2018

Date of Decision ... 24.01.2022

Muhammad Ayub S/o Sher Ali Khan R/o Navay Kalay Mingora Swat, Ex-Constable
No. 1460, PS, Imam Dhery, Swat (Appellant)

VERSUS

District Police Officer, Swat and others.
... (Respondents)

Arbab Saiful Kamal,
Advocates ... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant while serving as Constable in Police Department was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 21-02-2009. Feeling aggrieved, the appellant filed departmental appeal dated 20-03-2009, which was rejected vide order dated 18-09-2017. The appellant filed revision petition dated 27-09-2017, which was also rejected vide order dated 03-10-2017 communicated to appellant on 20-03-2018, hence the instant service appeal with prayers that the impugned orders dated 21-02-2009, 18-09-2017 and 03-10-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the impugned order is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that absence of the appellant was not willful, but was due to compelling reason of terrorism in the area and which does not constitute gross misconduct entailing major penalty of dismissal; that the penalty so awarded is harsh, which does not commensurate with gravity of the guilt; that the appellant has been discriminated as similarly placed employees were re-instated but case of the appellant was not considered.

03. Learned Deputy District Attorney for the respondents has contended that the appellant willfully absented himself from lawful duty and did not turn up despite repeated summons; that the appellant while posted at Imam Dheri check post Police Station Kanjo absented himself without permission of the competent authority vide daily diary No 11 dated 17-10-2008; that the appellant was issued charge sheet/statement of allegation and proper inquiry was conducted; that the appellant was summoned repeatedly but he did not turn up, hence he was proceeded ex-parte; that after fulfillment of all codal formalities, the appellant was awarded with major punishment of dismissal from service vide order dated 2-02-2009; that the appellant filed departmental appeal with delay of more than seven year, which was considered but was rejected vide order dated 11-09-2017 being barred by time.

04. We have heard learned counsel for the parties and have perused the record.


05. Placed before us is case of a police constable, who alongwith many other police personnel had deserted their jobs in the wake of insurgency in Malakand division and particularly in District Swat. Police department had constituted a committee for cases of desertion and taking humanitarian view, re-instated such

personnel into service in large number. Placed on record is a notification dated 30-11-2010, where 253 similarly placed employees had been re-instated on the recommendation of the committee constituted for the purpose. Vide another order dated 07-02-2012, batch of another 12 employees had been re-instated in service. Yet another order dated 15-03-2017 would show that similarly placed employee had been re-instated upon his revision petition on the ground of length of his service and threats from Taliban. Other cases of similar nature are available on record, which would suggest that the provincial government had taken a lenient view keeping in view the peculiar circumstances in the area at that particular time. Even this tribunal has already granted relief in similar nature cases on the principle of consistency. Appellant is also one among those, who had deserted his job due to threats from terrorists. Coupled with this are dents in the departmental proceedings, which has not been conducted as per mandate of law, as the appellant in case of willful absence was required to be proceeded under general law i.e. Rule-9 of E& D Rules, 2011. Regular inquiry is also must before imposition of major punishment of dismissal from service, which also was not conducted.

06. In view of the situation mentioned above and keeping in view the principle of consistency, we are inclined to partially accept the instant appeal by converting the major penalty of removal from service into minor penalty of stoppage of increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

ORDER

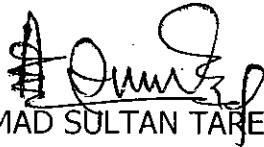
24.01.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Arguments heard and record perused.

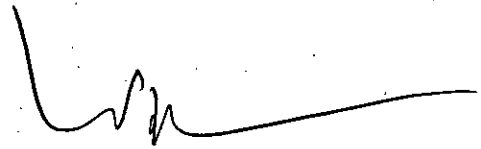
Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the instant appeal by converting the major penalty of removal from service into minor penalty of stoppage of increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

24.01.2022



(AHMAD SULTAN TARFEEN)
CHAIRMAN

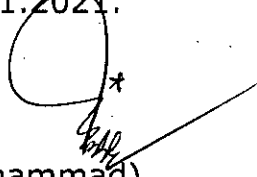


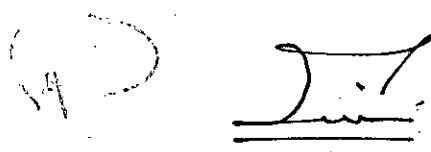
(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

29.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments before the D.B on 17.11.2021.

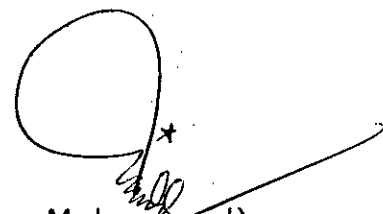

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

17.11.2021

Junior of learned counsel for the appellant present. Mr. Hikmat Khan, H.C alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 24.01.2022.


(Mian Muhammad)
Member (E)

16.09.2021

Counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Hikmat Khan H.C for respondents present.

Arguments heard. To come up for order 21.10.2021 before D.B.



(Rozina Rehman)
Member (J)



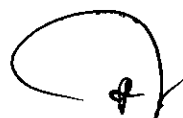
Chairman

21.10.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

This case was fixed for today for orders, however, learned counsel for appellant has requested to make further submissions before announcement of the order. After hearing learned counsel at short length, it has been deemed appropriate to direct the office to fix this appeal before the bench comprising Hon'ble Members Mr. Salah ud Din (Member Judicial) and Mr. Mian Muhammad (Member Executive) when available. To come up for arguments on 29.10.2021 before D.B.



(Rozina Rehman)
Member (J)



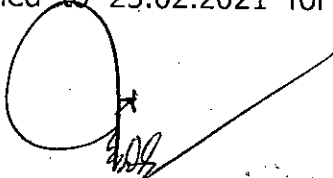
(Ahmad Sultan Tareen)
Chairman

01.12.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Request for adjournment is made on behalf of learned counsel for the appellant as he is engaged before the Honourable Peshawar High Court in many cases today.

Adjourned to 23.02.2021 for hearing before the D.B.

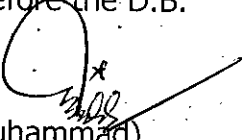

(Mian Muhammad)
Member(E)


Chairman

23.02.2021

Counsel for the appellant and Addl. AG for respondents present.

Former states that the appellant was awarded major penalty through order dated 21.02.2009 but w.e.f. 17.10.2018. The proposition regarding the retrospectivity of penalty is pending disposal before a Larger Bench of this Tribunal which is yet to decide the issue. Requests for adjournment to a date after 09.03.2021. Request accepted. Adjourned to 31.05.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)


Chairman


31.05.2021

Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hikmat Khan Constable for respondents present.

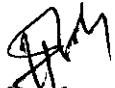
Issue involved in the instant case is pending before Larger Bench, therefore, case is adjourned to 16.09.2021 for hearing before D.B. Appellant/counsel be put on notice for the date fixed.



(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

11.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 08.06.2020 before D.B.


Member


Member

08.06.2020

Bench is incomplete as one learned Member (J) is on leave. Therefore the case is adjourned. To come up for the same on 21.08.2020 before D.B.


Reader

21.08.2020

Due to summer vacation case to come up for the same on 23.10.2020 before D.B.


Reader

23.10.2020

Junior to counsel for the appellant and Zara Tajwar, DDA alongwith Hikmat Khan, H.C for the respondents present.


The Bar is observing general strike, therefore, the matter is adjourned to 01.12.2020 for hearing before the D.B.



(Mian Muhammad)
Member


Chairman

29.08.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.11.2019 before D.B.


Member


Member

13.11.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.01.2020 before D.B.



Member


Member

15.01.2020

Appellant in person present. Anwar Badshah S.I present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 11.03.2020 before D.B.


Member


Member

27.03.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG, for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.06.2019 before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.06.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

Learned counsel for the appellant as well as learned DDA require further time to address their respective arguments regarding retrospective application of punitive orders passed against a civil servant and its effects in view of the judgments/orders handed down by the Apex Court as well as this Tribunal. Adjourned to 31.07.2019 before the D.B.


Member


Chairman

31.07.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mir Faraz DSP Legal present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.08.2019 before D.B.


Member


Member

18.10.2018

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Khawas Khan S.I legal for the respondents present. Representative of the respondents submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 04.12.2018 before D.B


Member

04.12.2018


Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 22.01.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.01.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Khawas Khan SI and Mr. Mir Faraz Khan DSP for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and also requested for adjournment. Adjourned. To come up arguments on 27.03.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

22.06.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 10.07.2018 before S.B.

M.A.
(Muhammad Amin Khan Kundi)
Member

10.07.2018

Counsel for the appellant Mohammad Ayub present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was imposed major penalty and was dismissed from service vide order dated 21.02.2009 on the allegation of absence from duty. The appellant filed departmental appeal on 20.03.2009 which was rejected on 18.09.2017 thereafter, the appellant filed revision petition on 27.09.2017 which was rejected on 03.10.2018 hence, the present service appeal on 11.04.2018. Learned counsel for the appellant further contended that the impugned order of dismissal of the appellant from service is retrospective i.e from the date of absence therefore, the same is void and limitation does not run against void order. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 21.08.2018 before S.B.

M.A.
(Muhammad Amin Khan Kundi)
Member

Appellant Deposited
Security & Process Fee

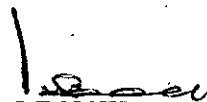


20.8.2018

Due to Eidul Azha vacations the case is adjourned to 18-10-2018

Reader
READER

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 508/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/04/2018	<p>The appeal of Mr. Muhammad Ayub presented 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 11/4/18</p>
2-	12/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/04/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	26.04.2018	<p>Appellant in person present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on <u>22.06.2018</u> before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 508 /2018

Muhammad Ayub

Versus

D.P.O & Others

INDEX

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Through Appellant

Saadullah Khan Marwat

Saadullah Khan Marwat
Advocate

21-A Nasir Mansion,
Shoba Bazaar, Peshawar

Ph: 0300-5872676

0311-9266609

Dated: 09-04-2018

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 508 /2018

Muhammad Ayub S/O Sher Ali Khan
R/o Navay Kaly Mengawara, Swat,
Ex-Constable No. 1460,
PS, Imam Dhery, Swat Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 532

Dated 11-4-2018

1. District Police Officer, Swat.
2. Regional Police Officer,
Malakand, at Saidu Sharif, Swat
3. Provincial Police Officer, KP,
Peshawar. Respondents

⊠<=>⊠<=>⊠<=>⊠<=>⊠

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST O.B. NO. 28, DATED 21-02-2009 OF R. NO.
01, WHEREBY APPELLANT WAS DISMISSED FROM
SERVICE, FROM 17-10-2008 OR OFFICE ORDER NO.
8609-12/E DATED 18-09-2017 OF R. NO. 02,
WHEREBY REPRESENTATION OF APPELLANT WAS
FILED: OR OFFICE ORDER NO. 6383/17 DATED 03-
10-2017 OF R. NO. 03, WHEREBY REVISION
PETITION WAS FILED FOR NO LEGAL REASON:**

Filed to-day

Registrar

11/4/18

⊠<=>⊠<=>⊠<=>⊠<=>⊠

Respectfully Sheweth:

1. That appellant was enlisted in service in the year 2002 as Constable and served the department till the date of dismissal from service.
2. That appellant was deputed to PTC, Hangu for training in the year 2004 which was qualified by him. Similarly, in the year 2007 he

passed drill course from PTC Hangu and was posted as Drill Instructor at PRC Mardan.

3. That in the impugned order Charge Sheet, Statement of Allegation and Enquiry is mentioned but due to the deteriorated situation the same could not be served upon him so no reply was submitted to the same.
4. That on the absence of allegation, appellant was dismissed from service by R. No. 01 vide order dated 21-02-2009 with effect from 29-10-2008 retrospectively. (Copy as Annex "A")
5. That on 20-03-2009, appellant submitted departmental appeal before R. No. 02 for reinstatement in service which was filed on 18-09-2017. (Copies as Annex "B" & "C")
6. That on 27-09-2017, appellant submitted subsequent representation before R. No. 03 which was filed on 03-10-2017. The same was received from the office of R. No. 02 on 20-03-2018. (Copies as Annex "D" & "E")
7. That not only appellant was dismissed from service on the score of absence but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-03-2017 and 09-08-2017 (Copies as Annex "F")
8. That apart from the aforesaid fact, the subject matter came up for consideration before the hon'ble Tribunal and after thorough probe, their appeal's were accepted vide judgments dated 02-05-2016 and 07-12-2017, etc. (Copies as Annex "G")

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

GROUND S:

- a. That appellant was enlisted in service in the year 2002 and served the department till the date of dismissal from service.
- b. That at the time, the Swat Valley was in clutches of the miscreants and it is will in knowledge of every one that they were ruling the area

and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department.


- c. That appellant was dismissed from service on the score of absence but such absence was not willful but was due to the deteriorated situation of the area.
- d. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not only by the department but also by the hon'ble Tribunal / courts which judgments were upheld by the apex court.
- e. That codal formalities enumerated in the Rules were never observed, being mandatory. The impugned orders are not per the mandate of Law and based on malafide.
- f. That no administrative order could be given retrospective effect. On this score alone, the impugned orders are illegal and ab-initio void.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 21-02-2009 and 18-09-2017 or 03-10-2017 of the respondents be set aside and appellant be reinstated in service with all consequential / 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
Advocates

Dated: 09-04-2018

A

1460

u

12

21-2-09

ORDER

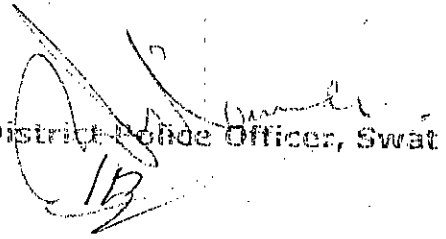
This order will dispose off the enquiry initiated against Constable Muhammad Ayub No.1460, who while posted to Check Post Imam Dherai absented himself from duty with vide DD No.11, dated 17/10/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Post Kanju vide DD No.11, dated 17/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 681/E, dated 04/02/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 17/10/2008.

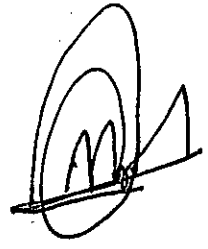
Order announced.


District Police Officer, Swat

O.B. No. 28

Dated. 21.2.09.

Attested



حضرت جناب ڈی ایچ ایف کی جنرل آف پولیس ملاکنڈ سوات

جائی بر ملازمت

جناب عالی

ذیل عرض ہے

- ۱۔ یہ سائیل سال 2002 میں پولیس میں سہ ماہی ہوئی تھی۔
سے ٹریننگ و کورس کے مکمل کر کے ہیں۔ مابین کے دھکیوں
اردو لٹریچر ایس ایس کے ساتھ ساتھ جمعہ پڑھا پڑھا۔
سائیل بھی اپنے طالبان کے چھ ماہ عہدہ پورا ہوا۔
- ۲۔ یہ غیر فطری طور پر ڈی ایچ ایف کے سائیل کو صرف 21 کو
سروس سے برطرف کیا۔ کسی بھی قانونی تلافی کا سہارا نہ لیا گیا۔
- ۳۔ یہ کم زور حالات میں نہ صرف قلم نے بہت دیگر حکموں سے بھی
اپنے ملازمین کو جو غیر فطری طور پر برطرف کئے گئے تھے۔ کمال کیا ہے
سائیل کے ساتھ بھی وہی سلوک روا رکھا جائے۔
- ۴۔ استدعا ہے کہ حکم مورفہ 21 کو منسوخ فرما کر سائیل کو
تمام سابقہ مراعات کے ساتھ سروس پر بحال کرنے کا فیصلہ صادر کیا جائے۔
دعا گو رہوں گا۔

الکافی

Attested

محمد ایوب ولد شہ علی خان سکریٹری

20/09

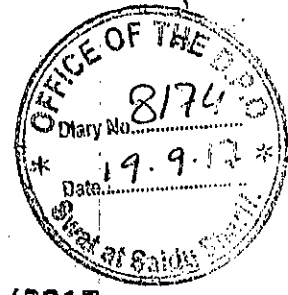
(Signature)

سنگورہ سوات

سابقہ کسٹل 1460 نمبر ایف ڈی ایچ ایف

18-9-17
- 84

C 6



From : The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.
To : The District Police Officers,
Swat, Buner, Dir Lower and Dir Upper.

No. 8609-12 /E, dated Saidu Sharif, the 18-09- /2017.

Subject: ORDER

Memorandum:

Applications of the following Ex-Police officers in connection with reinstatement in Service of the Districts as noted against each were examined and filed being time barred:-

S. No	Name and No	District
1.	Ex-Constable Yaseen Khan No. 1595	Dir Lower
2.	Ex-Constable Muhammad Ayub No. 1460	Swat
3.	Ex-Constable Aleem Shah No. 173	Dir Lower
4.	Ex-Constable Anwar Shah No. 126	Swat
5.	Ex-Constable Habib Ur Rehman No. 877	Dir Upper
6.	Ex-SPF Fazal Khaliq No. 155	Swat
7.	Ex-SPF Awrang Zeb No. 613	Swat
8.	Ex-SPF Saleem Bahadar No. 887	Buner
9.	Ex-Class-IV Rahim Ullah	Dir Upper

The applicants may be informed accordingly, please.

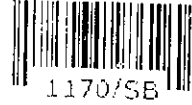
EC.
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18/9/17

Regional Police Officer,
Malakand, at Saidu Sharif Swat

18/9

Attested

عنہ الامت



گزارش ہے کہ سائیل سال 2002ء محکمہ پولیس کا بھرتی شدہ ہے۔ سائیل نے ریکروٹ کورس PTC ہنگو سے 2004ء میں پاس کیا۔ یہ کہ سائیل کو نوکری کا بہت شوق تھا بدیں وجہ پر دمنوش کورسز بھی کئے ہیں۔ سال 2007ء میں ڈرل کورس PTC ہنگو سے پاس کرنے کے ساتھ ساتھ PRC مردان میں بطور ڈرل انسٹرکٹر تعینات رہا ہوں اور یہ کہ سائیل نے کبھی غیر حاضری نہیں کی ہے اور نہ ہی آفسران بالا کو کسی شکایت کا موقع دیا ہے۔

اسی دوران سوات کے حالات خراب ہو گئے۔ اور 2008ء میں طالبان کا گڑھ امام ڈھیری تھا جس کے خاطر وہاں پر چیک پوسٹ بنایا گیا جہاں پر کوئی بھی ڈیوٹی کیلئے جانے کیلئے تیار نہیں تھا میں بخوشی خود وہاں چلا گیا اور اپنی ڈیوٹی نہایت ایمانداری کے ساتھ نبھاتا رہا۔ چونکہ میرا گھر نوے کلے میگورہ میں ہے۔ ہمارے گلی میں بہت سارے طالبان رہتے تھے۔ جو ہمارے تمام خاندان والوں کو بہت پریشان کرتے تھے انہیں مارنے کی دھمکیاں، مستورات کی بے عزتی اور مختلف قسم کی دھمکیاں دے رہے تھے۔ اور ساتھ ہی اس دوران میرے والد صاحب کو خط موصول ہوا کہ اپنے بیٹے کو آج ہی غائب کرو۔ ورنہ کل صبح ہم خود اس کو غائب کرینگے اور گھر کے باہر پھرا دینے لگے۔

میرے والد صاحب نے مجھے اور میرے والدہ کو کراچی بھیج دیا جہاں میں محنت مزدوری کرتا تھا۔ کچھ عرصہ قبل سوات واپس آیا ہوں۔ سائیل پڑھا لکھا، صحت مند نوجوان اور شریف شہری ہے۔ سائیل کے چھوٹے چھوٹے بچے بھی ہیں۔ سائیل کو بوجہ غیر حاضری سال 2009ء میں بحوالہ آرڈر بک نمبر 28 مورخہ 21/02/2009 حسب حکم جناب DPO صاحب سوات نوکری سے برخاست کیا گیا ہے۔ سائیل نے غیر حاضری جو کہ محض باآمر مجبوری، گھریلو مجبوری، اور اپنے مستورات کی بے عزتی کے خوف کی وجہ سے کی ہے۔

سائیل نے بہ سلسلہ بحالی جناب آرپی او صاحب ملاکنڈ کو استدعا کی تھی لیکن صاحب موصوف نے درخواست فائل کرنے کے احکامات صادر کیئے۔ جو لطف درخواست ہذا ہے۔

بذریعہ درخواست استدعا ہے کہ سائیل کی موجودہ حالات، غریبی، سابقہ سروس ریکارڈ، قومی خدمات اور محکمہ قابلیت کو مد نظر رکھتے ہوئے خصوصی مہربانی فرما کر سروس پر پھر بحال کیا جا کر سائیل کو ملک و قوم کی خدمت کرنے کا ایک موقع اور عنایت فرمائیں۔ سائیل اور سائیل کی فیملی آپ صاحبان کی تاحیات احسان مند اور دعا گو رہینگے۔

Office of the PPO KPK, Peshawar
 (General Branch)
 No. 2864/17
 Dated 27-09-17

العراض

نام محمد ایوب سابقہ بلٹ نمبر 1460 سوات پولیس

ساکن نوے کلے میگورہ سوات۔

شناختی کارڈ: 15602-0437817-5

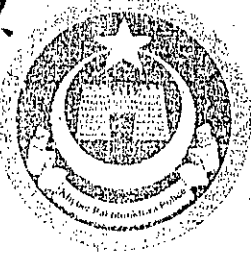
رابطہ نمبر: 03489306557

Attested

Registrar
 P/S process as per rule.

AS
 Cor. n. act
 19

27/9/17



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 6383 /17, dated Peshawar the 03/10/2017.

To : The Regional Police Officer,
Malakand Region, Swat.

Subject: APPEAL (EX-FC MUHAMMAD AYUB NO. 1460)

Memo :

Ex-Constable Muhammad Ayub No. 1460 of District Police Swat had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 08 years.

The applicant may please be informed accordingly.

Attached

(ARIF SHAHBAZ KHAN),
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

7/2
29/10

Received from the office
of RPO by hand on 20.3.18.

F

9

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahadef Khan No: 1322
2.	Ex-HC Miran Saïd Rehman No.582
3.	Ex-Constable Muhammad Saced No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u-din No.1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadiq Akbar No. 340
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PASI Ijaz Ali No.3 5 (Shaheed Son)
10.	Ex-Constable Farman Ali No.757
11.	Ex-Constable Shafiullah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazil Anwar No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mond No. 822
18.	Ex-Constable Abdul Wadod No. 151
19.	Ex-Constable Muhammad Shoab No 112/RR
20.	Ex-Constable Shah Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer Un-din No.1415
23.	Ex-Constable Ajmal Khan No. 1524

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24.	Ex-Constable Gul Farrz Khan No. 1512
25.	Ex-Constable Fazal Wadood No. 1238
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ullah No. 1043
29.	Ex-Constable Nasir Ali No.1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No.1118
32.	Ex-Constable Muhammad Ali No.1850
33.	Ex-Constable Falak Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zada No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No 512
43.	Ex-Constable Amir Khatam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muid Khan No. 143
47.	Ex-Constable Subhan Ullah No. 186/RR
48.	Ex-Constable Asad-ullah Jan No. 1226
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ur- Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoaib No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majee Khan No. 81

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65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zavin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Alta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bøch No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

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106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharraf Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shah No. 862
115.	Ex-Constable Arnjid Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd. No. 1111
120.	Ex-Constable Alam Badshah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 223
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-HC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Khan No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadiq No. 1470
143.	Ex-Constable Shafiq-Ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hassan No. 1170

13

147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 108/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Raza No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Arif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarfullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Anshar No. 1575

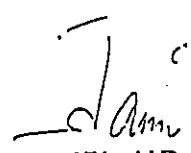
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188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zaib No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Ali Yar Khan No. 1645
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ali No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Riaz Ali No. 1559
227.	Ex-Constable Haider Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

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229.	Ex-Constable Sher Zaman No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Mian Gill Bacha No. 1696
232.	Ex-Constable Saif Ullah No. 1769
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parvez Khan No. 65/RR
235.	Ex-Constable Muhammad Naeem No. 1746
236.	Ex-Constable Fazal Bacha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zai-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Rahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdali Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahad Ali No. 4688/FRP
253.	Ex-Constable Sher Afzal No. 4388/FRP

Order announced.

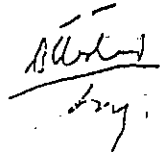

(WAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
SAIF

No. 10214-16/E,

Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.



16

OFFICE ORDER

WHEREAS as per the approval of the Provincial Police Officer, FR, Pukhtunkhwa a Committee had been constituted vide this office No:9871 dated 16/11/2010, headed by DPO Swat to reconsider the cases of the persons absented during militancy.

AND WHEREAS the Committee has, after thorough deliberation scrutiny of the relevant record, submitted its findings vide No:89/OASI, 04/01/2012 wherein 12 personnel have been recommended for reinstatement service.

NOW THEREFORE as per the approval of the Provincial Police Officer, following personnel recommended by the Committee are hereby reinstated service with effect from the date of their dismissal. The period during which remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No	Name and No.
1.	Ex-Constable Minhaj-ud-Din No.139
2.	Ex-Constable Zahoor Hussain No.1738
3.	Ex-Constable Ali Baz No.501
4.	Ex-Constable Muhammad Israr No.118
5.	Ex-Constable Attaullah No.924
6.	Ex-Constable Muhammad Ali No.1653
7.	Ex-Constable Fazal Hanan No.1504
8.	Ex-Constable Ikram No.1189
9.	Ex-Constable Qaisar Ali Shah No.675
10.	Ex-Constable Bashir Ahmad No.270
11.	Ex-Constable Parwanat Khan No.30
12.	Ex-Constable Fazal Rabbi No.579

Order announced.

(AKHTAR HAYAT KHAN)
Deputy Inspector General of Police
Malakand Region, Gaidu Shant, Swat

No. _____ /E,

Dated 07/02/2012

Copy for information and necessary action to the

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar.
2. District Police Officer, Swat.

AKHTAR HAYAT KHAN
[Signature]
[Signature]
[Signature]

17

P.1

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 1656 /17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

This order is issued with the approval by the Competent Authority.

Najeeb
(NAJEEB-UR-REHMAN BUGVI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI/ 1657-6417.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPQ.

ORDER

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range was enlisted as constable on 26.07.2007. Later on during the course of duty he was absented himself from duty with effect from 20.07.2008, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty, nor replied to charge sheet within stipulated period. Thereafter, on 08.11.2008 he was issued Urdu Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 151, dated 14.11.2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above vis-a-vis his unblemished service record and a trained soldier he (Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range) is hereby reinstated in service and the punishment of removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced


Comptroller and District Officer
Frontier Region
Guzar Patti, Swat District

Copy of above is forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26.07.2007. He was absented himself from duty with effect from 01.04.2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty nor replied to charge sheet within stipulated period. Thereafter, on 28.04.2009, he was issued Undo Parwar but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 294, dated 21.02.2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings nor provided opportunity of personal hearing.

The applicant was heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnaping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he alongwith his family members were compulsively shifted to other safe place i.e Karachi. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-à-vis his unblemished service record, also a trained soldier, he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced

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Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. 59/13/EC, dated Peshawar, 13/08/2017

Copy of above forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent here with.

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23-5-12

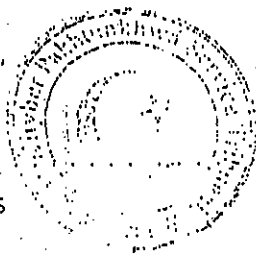
BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 588 /2012

Dr. V. J. ...
...
... 567

23/05/12

Murad Ali S/o Muhammad Mashal Khan,
R/o Char Bagh, Ex-C. No. 4708, FRP,
Police Station Matta, Swat



Appellant

Versus

1. Commandant, FRP, KPK, Peshawar.
2. Superintendent of Police, FRP, Malakand Region, Swat.
3. Provincial Police Officer, KPK, Peshawar. Respondents

APPEAL AGAINST OFFICE ORDER
NO.1964-65/EC, DATED 09.04.2012 OF
R.NO.1 (APPELLATE AUTHORITY)
WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED AGAINST OR
NO.138 DATED 10.10.2008 OF R.NO.2
(TRIBUNAL AUTHORITY) WHO
DISMISSED APPELLANT FROM SERVICE
FOR NO LEGAL REASON.

Object stated
 18/5/12
 23/5/12
 23/5/12

Respect fully Sheweth,

1. That on 25.07.2007, appellant was enlisted as FRP constable in Malakand Range by R.No.1.
2. That it was an admitted fact that the whole Swat valley was under the control of miscreants/Faliban. Merely FRP was absolutely ineffective. Miscreants/Faliban were kidnapping, killing and torturing Government employees, & specially of

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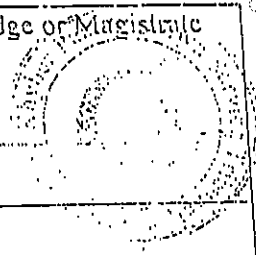
2-5-13

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No. of
proceeding

Date of
Order or
proceedings.

Order or other proceedings with signature of Judge or Magistrate
and that of parties where necessary.



2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.

APPEAL NO. 588/2012

(Murad Ali Vs. Commandant FRP, KPK Peshawar & 2 others.)

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

02.05.2016

Appellant with counsel and Mr. Muhammad Zubair, Senior
Government Pleader alongwith Mushiaq Ahmad, Inspector (Legal)
for the respondents present.

Murad Ali son of Muhammad Mashal Khan hereinafter
referred to as the appellant has preferred the instant appeal against
order dated 09.4.2012 communicated to the appellant on 02.5.2012
vide which his departmental appeal against original order dated
10.10.2008 of removal from service was regretted.

Brief facts giving rise to the present appeal are that the
appellant was appointed as Constable in FRP Malakand Range
vide appointment order dated 25.07.2007. While serving so he was
found absent from duty for a period of 3 months and 8 days and
after conducting enquiry removed from service vide order dated
10.10.2008 where-against departmental appeal of the appellant
was rejected on 09.4.2012 and hence the instant service appeal on
23.05.2012.

(Handwritten signature and initials)
Adverses

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence. however, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence was during the days of militancy and, according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008 as well as the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant afresh, if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the a period of 2 month from the date of receipt of this judgment. In case the



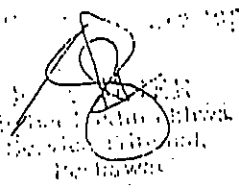
Attested by

enquiry is not conducted then the period of absence till reinstatement be treated as leave of-the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced
02.05.2016

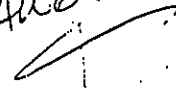

sdf- M. Azim Khan Afzali,
Chairman

sdf- Abdul Latif,
Member

Car...

Chairman

Dr...
M...
C...
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R...

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17-05-2016
12-05-2016

Att...



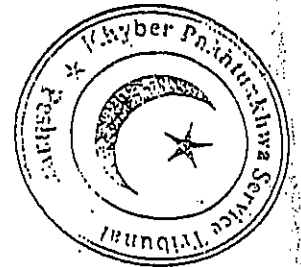
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

Service Appeal No. 957/2016

Date of Institution... 04.08.2016

Date of decision... 07.12.2017



Shoukat Ali son of Muhammad Shafiq, R/O Kokari Mingora Swat Ex-Constable
No. 4741, FRP Platoon No. 83, P.S Mingora Swat. ... (Appellant)

Versus

1. Superintendent of Police, FRP Malakand Region, Malakand and two others. ... (Respondents)

ARBAB SAIFUL KAMAL,
Advocate

For appellant.

MR. KABIRULLAH KHATTAK,
Addl Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also
disposed of other connected appeals No. 697/2016 Muhammad Said, No.
958/2016 Fazal Yaseen, No. 959/2016 Afzal Khan, and No. 961/2016 Umar Ali
as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant Shaukat Ali, Umar Ali and Afzal Khan were removed
from service on 28.08.2016, the appellant Fazal Yaseen was removed from

ATTESTED

service on 02.02.2009 and the appellant Muhammad Saeed was removed from service on 21.09.2009. The appellants then filed departmental appeals belatedly which were rejected then the appellant also approached this Tribunal belatedly not within the stipulated time.

ARGUMENTS

4. The learned counsel for the appellants argued that the very orders of removal from service are void because all these orders have been given retrospective effect. That in view of judgment reported as 1985-SCMR-1178 no limitation shall run against void order.

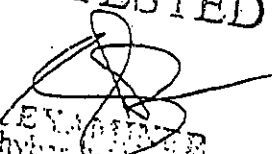
5. On the other hand the learned Addl. Advocate General argued that the departmental appeals are hopelessly time barred. That the revision within the meaning of Rule 11 -A of Khyber Pakhtunkhwa Police Rules, 1975 could not enlarge the period of limitation. That all the codal formalities were fulfilled by the department.

CONCLUSION

6. Regardless of other merits of the case it is an admitted position that all these orders have been given retrospective effect and in view of so many judgments delivered by this Tribunal on the basis of judgment reported in 1985-SCMR-1178 the retrospective order is a void order and no limitation shall run against void order.

7. Since no limitation runs against a void order, any successive appeals or revision would not curtail the rights of the appellants qua the limitation or in other

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

respect. Presuming that all other elements of due processes have been complied with, the void order cannot be sustained on this score alone.

8. As a sequel to the above discussion, the present appeals are accepted and the appellants are reinstated in service. The department is however, at liberty to hold denovo proceedings in accordance with law within a period of ninety days. The intervening period shall be subject to the final outcome of the denovo proceedings. Parties are left to bear their own costs. File be consigned to the record room.

Announced s.d/- Niaz Muhammad Khattak,
07-12-2017 Chairman
Cafed Court Swat

s.d/- M. Hamid Nughal
Member

Certified true copy
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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation 13-12-17
Number of 1200
Copying 8
Urgent 8
Total 8
Name of M
Date of Copy 15-12-17
Date of Delivery of Copy 15-12-17

Marks
[Signature]

بعدالت جناب سرورس ٹریبونل صوبہ سندھ پشاور

منجانب اہلانت

محکمہ لوہے وغیرہ

بنام

محمد الوب

دعویٰ اپیل

باعضیت سرکار ہائیکہ

مستند سند جہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیسے اسعد احمد خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے باطنی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تطہیر اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور ہر قسم کی تاخیر یا تاثر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ پر ذکر کے کل یا اجزائی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظر و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دروہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

الرقوم 10/18

القائد القابض القابض

ارباب سید انکال ایڈووکیٹ

سید اللہ خان مرقت ایڈووکیٹ

Identified by شجاع علی brother

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من رخصتہ تازہ ایڈووکیٹ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 508/2018.

Muhammad Ayub Ex-Constable No. 1460

.....(Appellant)

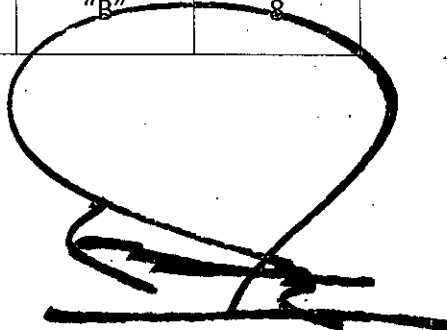
VERSUS

District Police Officer Swat and others

..... (Respondents)

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3	Authority Letter	-	6
4	Copy of Appeal of the Appellant	"A"	7
5	Order of RPO Malakand	"B"	8


District Police Officer, Swat
(Respondent No.01)

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PEASHAWAR.

Service Appeal No. 508/2018.

Muhammad Ayub Ex-Constable No. 1460

.....(Appellant)

VERSUS

District Police Officer Swat and others

..... (Respondents)

COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appellant has got no cause of action to file the present appeal.
- f) The appellant has not come to the Honorable Tribunal with clean hands..

FACTS:-

1. Para to the extent of enlistment in Police department pertains to record needs no comments while rest of the Para is incorrect because the appellant absented himself wilfully & deliberately and did not turn up despite repeated summons by the Enquiry Officer, hence, he was awarded appropriate punishment.
2. Para not related as being member of Police Force, every official/officer should undergo the requisite course, hence, it does not mean that a person if, undergoes

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requisite courses, is exonerated from his future wrong deeds. Therefore, plea of the appellant is not plausible.

3. Incorrect, the punishment order enquiry report/ findings report is completely silent regarding non-service rather it has categorically been mentioned that the defaulter official (appellant) was summoned times & again to record his statement but to no avail, hence, the appellant was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant.
4. Incorrect, the appellant while posted at Imam Derai check post, Police Station Kanju wilfully and deliberately absented himself from his lawful duty without proper ~~permission~~ permission of the competent authority vide DD No. 11 dated 17.10.2008, hence, he was issued charge sheet along with statement of allegations and an Enquiry Officer was nominated to probe into the conduct of defaulter official. During course of enquiry the appellant was summoned times and again to defend himself but he did not bother to do so because he had no defense to produce in his favour. Therefore, he was recommended for major punishment, hence the appellant was issued Final Show Cause Notice but this time too, the appellant did not turn up which clearly indicates the disinterest of appellant. After fulfillment of all legal and codal formalities the appellant was awarded appropriate punishment of dismissal from service vide OB No. 28 dated 21.02.2009. It is worth to add here that the appellant absented himself from his lawful duty vide DD No. 11 dated 17.10.2008 but till dismissal from service i.e. 21.02.2009 the appellant neither reported arrival nor joined enquiry proceedings which clearly depicts the lethargic attitude of appellant towards his official duties.
5. Incorrect. The appellant has filed appeal before the Regional Police Officer Malakand Region on 11/09/2017 which was badly time barred and filed on 18/09/2017. (Annex "A" & "B").

- 6. Para already explained hence needs no comments.
- 7. Every case has its own facts and circumstances therefore, the fate of one case has no effects on other, therefore, plea of the appellant is not tenable in the eye of law.
- 8. As explained earlier the fate of one case has no effect on other hence, stance of the appellant is liable to be sent at naught.

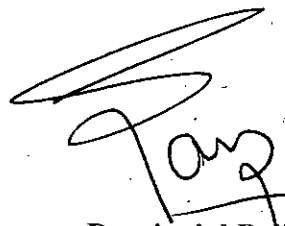
GROUNDS:-

- a. Incorrect. As every Police officer is under obligation to serve the department after enlistment hence, serving the department is not a clean chit that the delinquent official will not be dealt with departmentally for his wrong deeds.
- b. As the appellant categorically admitted his cowardice in this Para that he left the job due to fear of militants, hence on this score the appeal of the appellant is not tenable.
- c. Incorrect. As the appellant was not the only employee of Police who faced the so called deteriorated situation rather in the entire province every individual was passing through the same dilemma, therefore, stance of the appellant is not tenable in the eyes of law.
- d. Incorrect. The conduct of appellant does come within the purview of misconduct and cowardice. Hence, plea of the appellant is not plausible.
- e. As explained earlier all legal & codal formalities were fulfilled where after the appellant was awarded appropriate punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant.

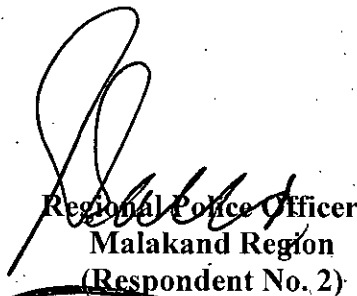
- 4
- f. Incorrect. As discussed in the proceeding Para, after fulfillment of all legal & codal formalities the appellant was awarded appropriate punishment which is legal and lawful hence, the same is liable to be maintained.

PRAYER:-

It is therefore, prayed that the appeal of appellant may be dismissed with costs.



**Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.3)**



**Regional Police Officer
Malakand Region
(Respondent No. 2)**



**District Police Officer
Swat
(Respondent No. 1)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

5

Service Appeal No. 508/2018.

Muhammad Ayub Ex-Constable No. 1460

.....(Appellant)

VERSUS

District Police Officer Swat and others

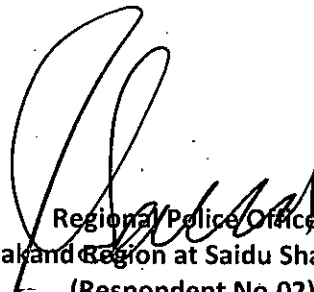
..... (Respondents)

AFFIDAVIT

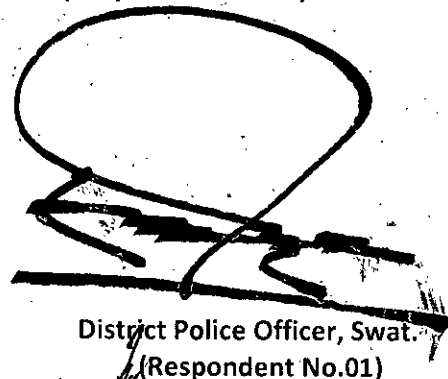
We, the above respondents do hereby solemnly affirm and declare on oath that the accompanying Para-wise comments submitted in reply to above cited service appeal are correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.03)



Regional Police Officer,
Malakand Region at Saidu Sharif, Swat.
(Respondent No.02)



District Police Officer, Swat.
(Respondent No.01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 508/2018.

6

Muhammad Ayub Ex-Constable No. 1460

.....(Appellant)

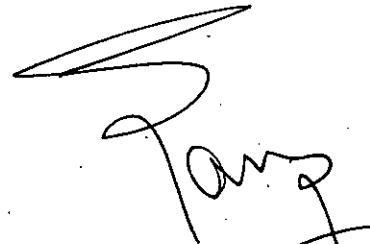
VERSUS

District Police Officer Swat and others

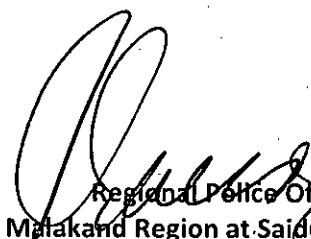
..... (Respondents)

AUTHORITY LETTER

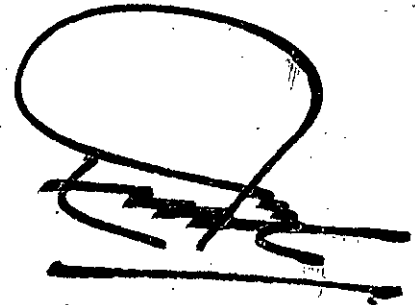
We, the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is needed.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.03)



Regional Police Officer,
Malakand Region at Saidu Sharif, Swat
(Respondent No.02)



District Police Officer, Swat.
(Respondent No.01)

Amex A

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جناب عالی!

گزارش ہے کہ سائیل سال 2007ء محکمہ پولیس کا بہ ترقی شدہ سائیل نے ریکارڈ کورس PTC ہنگو سے 2004ء میں پاس کیا۔ یہ کہ سائیل کو نوکری کا بہت شوق تھا بدیں وجہ پر دوشون کورسز بھی کئے ہیں۔ سال 2007ء میں ڈرل کورس PTC ہنگو سے پاس کرنے کے ساتھ ساتھ PRC مردان میں بطور ڈرل انسٹرکٹر تعینات رہا ہوں اور یہ کہ سائیل نے کبھی غیر حاضری نہیں کی ہے اور نہ ہی آفسران بالا کو کسی شکایت کا موقع دیا ہے۔

اسی دوران سوات کے حالات خراب ہو گئے۔ اور 2008ء میں طالبان کا گڑھ امام ڈھیری تھا جس کے خاطر وہاں پر چیک پوسٹ بنایا گیا جہاں پر کوئی بھی ڈیوٹی کیلئے جانے کیلئے تیار نہیں تھا میں بخوشی خود وہاں چلا گیا اور اپنی ڈیوٹی اہمیت ایمانداری کے ساتھ نبھاتا رہا۔ چونکہ میرا گھر بے کلمے میٹروہ میں ہے۔ ہمارے گلی میں بہت سارے طالبان رہتے تھے۔ ہمارے تمام خاندان والوں کو بہت پریشان کرتے تھے انہیں مارنے کی دھمکیاں، مستورات کی بے عزتی اور مختلف قسم کی دھمکیاں دے رہے تھے۔ اور ساتھ ہی اس دوران میرے والد صاحب کو خط موصول ہوا کہ اپنے بیٹے کو آج ہی سوات کرو۔ ورنہ کل صبح ہم خود اس کو غائب کرینگے اور گھر کے باہر پھرا دیئے گئے۔

میرے والد صاحب نے مجھے اور میرے والدہ کو کراچی بھیج دیا جہاں میں محنت مزدوری کرتا تھا۔ کچھ عرصہ سوات واپس آیا ہوں۔ سائیل پڑھا لکھا، صحت مند نوجوان اور شریف شہری ہے۔ سائیل کے چھوٹے چھوٹے بچے بھی ہیں۔ سائیل کو بوجہ غیر حاضری سال 2009ء میں بحوالہ آرڈر بک نمبر 28 مورخہ 21/02/2009 حسب حکم جناب DPO صاحب سوات نوکری سے برخواست کیا گیا ہے۔ سائیل نے غیر حاضری جو کہ محض باآمر مجبوری، گھریلو مجبوری اور اپنے مستورات کی بے عزتی کے خوف کی وجہ سے کی ہے۔

بذریعہ درخواست استدعا ہے کہ سائیل کی موجودہ حالات، غربتی، سابقہ سردس ریکارڈ، قومی خدمات اور محکمانہ قابلیت کو مدنظر رکھتے ہوئے خصوصی مہربانی فرما کر سردس پر پھر بحال کیا جا کر سائیل کو ملک و قوم کی خدمت کرنے کا ایک موقع اور عنایت فرمائیں۔ سائیل اور سائیل کی فیملی آپ صاحبان کی تاحیات احسان مند اور دعا گو رہینگے۔

العارض

نام محمد ایوب سابقہ بلٹ نمبر 1460 سوات پولیس

ساکن نوے کلمے میٹروہ سوات۔

شناختی کارڈ: 5-0437817-15602

رابطہ نمبر: 03489306557

مورخہ 10-09-2017

حضرت قہارِ حقیقی انیسویں جنرل آف پولیس ملاکنڈ سوات

جانی بر ملازمت

لوٹا

خواب عالی

ذیل عرض ہے

۱۔ یہ سائیل سال 2002 میں پولیس میں سبھی ہوئی تھی
سارے ٹریننگ کورس مکمل کر چکے ہیں۔ طالبان کے دھمکیوں
اور دہشتی ایٹن کی وجہ سے سب نوٹوں کو عدالتہ جمیورڈنا پڑا۔
سائیل بھی اپنے خاندان کے چھرا عدالتہ پھریا۔

۲۔ یہ کہ غیر ضروری طور پر ڈھائی اڑھائی سائیل کو صرف 21-2 کو
سرک سے برطرف کیا۔ کسی بھی حالتوں کے لئے کا سبب نہ رہا تھا۔

۳۔ یہ کہ ایسی حالات میں نہ صرف قلم نے بلکہ دیگر محکموں نے بھی
اپنے ملازمین کو جو غیر ضروری طور پر برطرف کئے گئے تھے۔ بحال کیا ہے
سائیل کے ساتھ بھی یہی سلوک روا رکھا جائے۔

اسد علی کہ حکم صرف 21-2 کو نسخہ فرما کر سائیل کو
تمام سببہ مراعات کے ساتھ سروس پر بحال کرنے کا قطع صادر کیا جاوے۔
دعا گو رہیوگا۔

الکھار

Attest

محمد ایوب ولد شہر علی خان سکریٹری
سنگورہ سوات

(Signature)

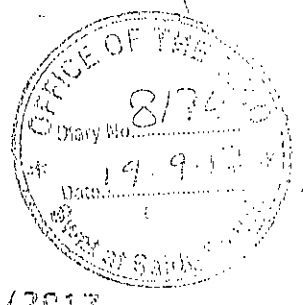
سالہ گیسٹ 1460 تمام اہم ذمہ داریوں

(Circular Stamp) 20-09-09

Anex B

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18-9-17



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

To : The District Police Officers,
Swat, Buner, Dir Lower and Dir Upper.

No. 8609-12 /E, dated Saidu Sharif, the 18-09- /2017.

Subject: ORDER

Memorandum:

Applications of the following Ex-Police officers in connection with reinstatement in Service of the Districts as noted against each were examined and filed being time barred:-

S. No	Name and No	District
1.	Ex-Constable Yaseen Khan No. 1595	Dir Lower
2.	Ex-Constable Muhammad Ayub No. 1460	Swat
3.	Ex-Constable Aleem Shah No. 173	Dir Lower
4.	Ex-Constable Anwar Shah No. 126	Swat
5.	Ex-Constable Habib Ur Rehman No. 877	Dir Upper
6.	Ex-SPF Fazal Khaliq No. 155	Swat
7.	Ex-SPF Awrang Zeb No. 613	Swat
8.	Ex-SPF Saleem Bahadar No. 887	Buner
9.	Ex-Class-IV Rahim Ullah	Dir Upper

The applicants may be informed accordingly, please.

EC.
For m...
is dist...
18/9/17


Regional Police Officer,
Malakand, at Saidu Sharif Swat.

18/9

Attested.

ORDER

All the Ex-Officials, who dismissed / discharged from service due to their absence during the past insurgency, have been ordered and re-instated by the Region Police Chief Swat orders issued, vide Region Office Swat No. 10214-16/E dated 30/11/2010, are strictly directed to report their arrival to OASI of District Police office Swat within fortnight (15 days) from the issuance of this order, other wise their arrival report will not be considered and accepted at the beleted stage i.e. beyond the fixed period. However, the OASI of the office is directed to get an affidavit from each Ex-official to the effect that he will never in submit any kind of appeal / mercy petition for the grant of all back benefits pertaining to the period, for which they remained out of service / absented himself.


District Police Officer, Swat

AYAZ

NO. 15024-16/EC Dated 04-12-2010

Copies to the:-

- 1- Deputy Inspector General of Police, Malakand Region, Saidu Sharif Swat for favour of information please.
- 2- Additional Superintendent of Police Upper Swat.
- 3- Superintendent of FRP Swat.
- 4- DSP/Headquarter.
- 5- All SDFOs.
- 6- Office Establishment Clerk.
- 7- OASI of District Police Office Swat.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 508 /2018

Muhammad Ayub

versus

D.P.O & Others

REPLICATION

Respectfully Sheweth,

Preliminary Objections:

All the preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appeal is not based on facts, the same is not maintainable, is bad for non and mis-joinder of necessary parties, estoppel, cause of action and un clean hands.

ON FACTS

1. In response to para No. 01 of the reply, it is submitted that due to the abnormal situation absentee was made not only by the appellant but unlimited employees who were later on reinstated into services either by the department herself or by the this hon'ble Tribunal.
2. Not correct. No wrong deed was made.
3. Not correct. The enquiry was not conducted as per the mandate of law but self made report was prepared which is not tenable in the eyes of law.
4. Not correct. Order of dismissal from service was void as the same was given retrospective effect. No Charge Sheet or Show Cause Notice was served upon appellant regarding the subject matter.
5. Not correct. The para of the appeal is correct regarding submission of appeal and its rejection.

6. Not correct. The authority is legally bound to show the receipt of order upon the defaulter. Limitation can only be run from the date of receipt of order and not from the date borne on the impugned order.
7. Not correct. The case of the appellant is at par with the case of the reinstated employees by the respondents.
8. As above.

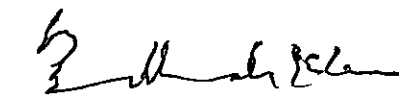
GROUND:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted. As for as cowardice is concerned, the same bear no major punishment but fine and forfeiture of approved service. No departmental enquiry was conducted in legal manner.

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


Appellant

Through


Saadullah Khan Marwat
Advocate,

Dated: 10-01-2019

AFFIDAVIT

I, Muhammad Ayub, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


DEPONENT



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1093 /ST

Dated: 18/05 /2022

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

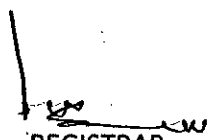
To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Swat.

Subject: JUDGMENT IN APPEAL NO. 508/2018 MR. MUHAMMAD AYUB.

I am directed to forward herewith a certified copy of Judgement dated
24.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR