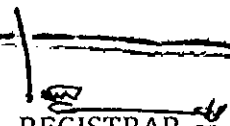


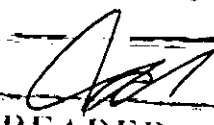


FORM OF ORDER SHEET

Court of _____

Case No. - 457/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/03/2022	<p>The appeal of Mr. Raham Sher Khan presented today by Uzma Syed Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>Noted</i> <i>Uzma</i> <i>7-4-2022</i></p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>23.05.2022</u>. Notices be issued to the appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	23 rd May, 2022	<p>Counsel for the appellant requests for adjournment in order to properly assist the court. Adjourned. To come up for preliminary hearing on 27.06.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>
27.06.2022		<p>Learned Member (Executive), is on leave. Therefore, the case is adjourned to 04.08.2022 for the same as before.</p> <p style="text-align: right;"> READER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 457/2022

RAHAM SHER KHAN

VS

POLICE DEPTT:

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S.NO.	DOCUMENTS	ANNEXURE	PAGE
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2	Affidavit	4.
3	Enrollment	A	5.
4	Medical certificate	B	6.
5	Impugned order	C	7.
6	Departmental appeal	D	8- 9.
7	Letter	E	10.
8	Appellate order	F	11.
9	Wakalat nama	12.

APPELLANT

THROUGH:

US
UZMA SYED
ADVOCATE

Office: Room No. 6-E, 5th Floor,
Rahim Medical Centre, Hashtnagri,
Peshawar.
Cell: 0333-9991564

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2022

Mr. Raham Sher Khan, Ex-Cook Constable No. 577,
Police Lines, District Bannu.

.....**APPELLANT**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Bannu Region at Bannu.
- 3- The District Police Officer, District Bannu.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 26.11.2013 WHEREBY MAJOR PENALTY OF
DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE
APPELLANT AND AGAINST THE IMPUGNED APPELLATE
ORDER DATED 18.02.2021 WHEREBY DEPARTMENTAL APPEAL
OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD
GROUND

PRAYER:

That on acceptance of this service appeal the impugned orders dated 26.11.2013 and 18.02.2021 may very kindly be set aside and the appellant be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant was enrolled as Cook Constable No.577 in respondent department on 25.03.2010 and right from the date of 1st appointment the appellant was performing his duty quite efficiently and up to the entire satisfaction of his superior. Copies of the enrollment order and medical certificate are attached as annexure.....**A & B.**
- 2- That during service the appellant was informed by his family about heart attack of his sister who were in serious condition and there was no one available for her care in the hospital during the said illness. That the appellant due to the above mentioned reason absented from his lawful duty.
- 3- That after her recovery from the said illness, the appellant approached the department for joining of his duty but the authority concerned was not willing to accept joining of the appellant and finally handed over the impugned order dated 26.11.2013 whereby harsh penalty of dismissal from

service has been imposed upon the appellant. Copy of the impugned order is attached as annexure.....C.

- 4- That appellant feeling aggrieved from the impugned order dated 26.11.2013 preferred Departmental appeal before the respondent No.2 but the same has been rejected vide appellate order dated 18.02.2021 on no good grounds. Copies of the Departmental appeal, letter & appellate order dated 18.02.2021 are attached as annexure.....D, E & F.
- 5- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:


- A- That the impugned orders dated 26.11.2013 & 18.02.2021 are against the law, facts, norms of natural justice and materials 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 subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That no absence notice has been served on the appellant before issuing the impugned order dated 26.11.2013.
- D- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 22.03.2018 which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.
- E- That absence of appellant was not willful but due to the cause of illness of his sister, therefore, the impugned orders dated 26.11.2013 is not tenable in the eyes of law and liable to be set aside.
- F- That the absence of the appellant was neither deliberate nor intentional but due to cause of illness of his sister due which he could not remain on duty, therefore, the impugned order dated 26.11.2013 is not tenable and liable to be set aside.
- G- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 26.11.2013.
- H- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

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

Dated: 14.03.2022.

APPELLANT

RAHAN SHER KHAN

THROUGH: 
UZMA SYED
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____ /2022


RAHAM SHER KHAN

VS

POLICE DEPTT:

AFFIDAVIT

I, Uzma Syed, **Advocate High Court, Peshawar** on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


UZMA SYED,
Advocate
High Court, Peshawar

OFFICER AND SERVICE ROLL OF

A-3

TABULARY NO. () in
 ITTO () in
 ITTO () in

DISTRICT.
 DISTRICT.
 DISTRICT.

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement.	Date of Enrolment	Age on Enrolment	marks
------	---------------	----------------	-----------------	---------------------------	----------------	----------	----------	---------------	--------	--------------------	-------------------	------------------	-------

Raham Shero Khan	Rais Khan	Pashtoon	Kotra Juma Khan	Bannu	Jaddar	Bannu	N-W-F.P	17-05-1989	5-5 $\frac{1}{4}$	31 $\frac{1}{2}$ x 33	25-3-2010	y M D	20-10-08
------------------	-----------	----------	-----------------	-------	--------	-------	---------	------------	-------------------	-----------------------	-----------	-------	----------

Registration Roll No. dated received back and attached to the Fauji Misal.

Government Service prior to present employment which is approved for pension service											
Department	Rank of Grade	Pay of last Appointment	From	To	Years	Month	Days	Reference to orders appointing above service for pension service in the Police Department			
		Altered						POLICE OFFICER			

I understand that I have been appointed under section 7 of the Police Act (V of 1861) and the provisions of the Act under which I am now in force. I agree to serve faithfully under the provisions of the Police Act (V of 1861) and to obey all lawful orders issued thereunder in accordance with the provisions of the Police Act (V of 1861).

Impression of fingers and thumb of left hand.

Left ring	Left middle	Left index	Left thumb

ATTESTED

CHARACTER ROLL OF 6. APPOINTMENTS. PROMOTIONS. REDUCTIONS. DISCHARGES, ETC (C)

1	2	3	4	5
Appointed promoted suspended, reduced discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full signature of Superintendent Police.
	<p><u>Order</u> Enlisted as Cook Constable on three years probation in (BPS-5) (3340-160-8140) @ RS 3340/PM w.e from 25-3-010 vide OB No 399 dt 26-3-010</p> <p>PLAS <u>EC</u> In (BPS-5) At Rs <u>3500</u> (17A) W.E.F. 1-12-2010</p> <p>District Police Officer Banda</p> <p>TR No. 151 dt 9/4</p>			<p>District Police Officer Banda</p> <p>ST Singel and sent to computer with 1/12 for 1-4/10. Actd = Pay and Allowance for the period of 26³/₁₀ to 31³/₁₀</p>

7. TRANSFERS BEYOND THE DISTRICT.

Date	From	To	Authority for transfer
<p>TR 151 13/5/10</p>	<p>S.I. Singel & sent to computer w.e.f 01-05-2010</p>		<p>District Commissioner Banda</p>

MEDICAL CERTIFICATE

Name of Official Rahem Sher Khan

Caste or race Pashoon

Religion Rais Khan

Residence KANU Juma Khan

Bannu

Date of Birth 17.05.1988

Exact height by measurement

Personal mark or identification

Black spot on Rf chest

Signature of Official

[Signature]

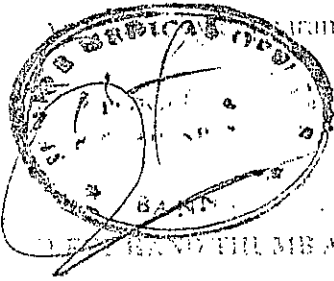
Signature of head of Office

[Signature]

District Police Officer
BANNU

I do hereby certify that I have examined Mr/Ms Rahem Sher Khan
candidate for employment in the Office of the Police
and cannot discovered that he/she had and disease communicable or other constitutional
affection or bodily infirmity except None

I do consider this as disqualifications for employment in the Office of the
Police 19 years
and he/she is according to his own statement
age about 19 years.



ATTESTED

[Signature]

Blood group B - ne

[Signature]
Medical Superintendent
DHO Teaching Hospital
Bannu

24/8/10

IMPRESSIONS



ORDER

C-7

My this order will dispose of departmental enquiry conducted against Cook Constable Raham Sher No. 577. Charge was that he while posted at Police Lines, Bannu absented himself from govt: dut / w.e.f 09.01.2013 to 12.09.2013 without any leave or permission from the competent authority.

Proper departmental enquiry was conducted by SDPO/Cantt ^{who} ~~and~~ proved the allegation against the said const. ble.

The accused police constable appeared in orderly room for personal hearing but he failed to justify his absence.

Keeping in view of the above I, Muhammad Iqbal, DPO Bannu, -being competent Authority, under police rules (amended vide NWFP gazette 27th January 1976) hereby dismissed constable Raham Sher No. 577 from the date of his absence i.e 09.01.2013.

(Muhammad Iqbal)
District Police Officer,
Bannu

OB No. 1310

Dated: 26/11/2013

No. 15135-37 dated 26/11/2013.

Copies of above is submitted to:

All concerned.

(Muhammad Iqbal)
District Police Officer,
Bannu

ATTESTED

[Handwritten signature]

(8) D

حکومت جناب ریجنل پولیو آفیسر بنوں ریجن بنوں
عنوان: رحم درخواست دربارہ خالی سروس جوہ D.P. صاحب
بنوں نے سائل کو تیل طرفہ طور پر ملازمت سے درخواست کیا ہے

خا عالی!

گزارشاً سیک سال ۱۹۵۷ء کا برقی شدہ ٹک کنٹریول ہے
اور پولیو لائن میں بطور ٹک کنٹریول ڈیوٹی سدا انجام
دے رہا تھا کہ مورخ ۱۳/۹ کو سائل کی بہن کو ماٹرنٹیڈ
سور سال بوم سہرست گھر ڈیوٹی سے غیر حاضر ہوا
اور بہن کا علاج کرنا رہا، مختلف اوقات میں علاج
کیا ہے جو کہ تبدیل کا عرصہ پندرہ روز ہے، لیکن D.P. صاحب
نے سائل کی طرف تیل طرفہ کا دروازی کی ہے، اور اپنی دفاع کا
موقع پیش دیا ہے، اور سائل کو بوالہ 1310 OB مبلغ ۱۱/۲۶
کو حکم سے ڈس میس کیا ہے، جو کہ سہ اسٹیم طم اور زیادتی ہے
سائل ایک انتہائی غریب گھرانے سے تعلق رکھتا ہے، پولیو کی
ملازمت کے علاوہ سائل کا دوسرا کوئی ذریعہ آمد
پیش ہے، سائل اپنے بوڑھے والدین اور بھائی بہنوں
کی کفالت کا واحد ذریعہ ہے، جو درخواستگی
وجہ سے بچوں اور بھائی بہنوں کا مستقبل تاریکی

ATTESTED

P.T.O

9

کاشفکار ہوا ہے، اور سائل در بدر ٹھوکرین کھا

پر چھوڑے ہے،

یہذا سائل کے بوڑھے والدین عربت اور چھوٹے

بال بچوں اور بھائی بہنوں کی مستقبل کو مد نظر

رکھتے ہوئے دوبارہ سروس پر بحال کرنے کا حکم صادر

فرمایا ہے۔ آئندہ کیلئے محتاط رہنا، اور زندگی بھر

دعا گو رہنا۔

العارفین
مدرسہ 5
27/5/2019

سائل EX ٹک کنٹینر رقم نمبر 577 صلح ہوں

رابطہ نمبر 03305490521

ATTES



File

E-10

Reference attached RUC

It is submitted that Ex-Coc Constable Raham-Sher No.577 has submitted a mercy petition, requesting therein for setting aside the order of major punishment of "dismissal from service" imposed upon him by Mr. Muhammad Iqbal, the then DPO Bannu, vide DB No.1310 dated 26.11.2013 on committing the following allegations:-

- That he (applicant) while posted at Police Lines Bannu, absented himself from government duty w.e.f 09.01.2013 to 12.09.2013 (08 months & 03 days) without any leave or prior permission of the competent authority.

It is submitted for favor of your kind information that the worthy Additional IGP/HQr: KPK Peshawar, vide Memo: No:4280/Legal dated 27.12.2016, had directed that in future time barred applications/petitions shall not be entertained except those wherein the worthy PPO, KP Peshawar has specifically directed to examine or the worthy PPO, KP specifically condoned the period of limitation and ordered to examine.

The instant mercy petition of the applicant is grossly time barred. There is a gap of 07 years & 18 days between the order of dismissal and instant mercy petition.

If approved, may file the mercy petition being badly time barred.

Submitted for favor of kind perusal & further orders please.

[Signature]
Office Supdt:

Establishment Clerk

14/12/20

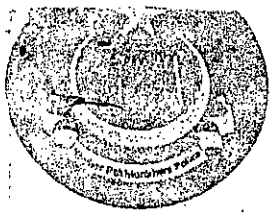
W/PPO, Bannu

Approved

Asial k

ATTESTED

[Signature]



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

No. S/ 557 /21, dated Peshawar the 18/02 /2021.

To: The Regional Police Officer,
Bannu.

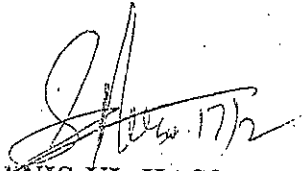
Subject: MERCY PETITION.

Memo:

F-11

The Competent Authority has examined in the light of Police Rule 16.32 and filed the mercy petition submitted by Ex-FC (Cook) Raham Sher No. 577 of district Police Bannu against the punishment of dismissal from service awarded by District Police Officer, Bannu vide OB No. 1310, dated 26.11.2013, being badly time barred.

The applicant may please be informed accordingly.


(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 627 /EE

17/2

DPO Bannu /EE

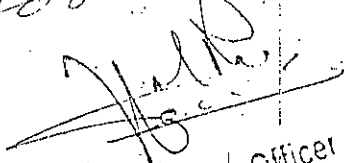
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R.P.O Bannu Region

24/2/21

SRE/OTC

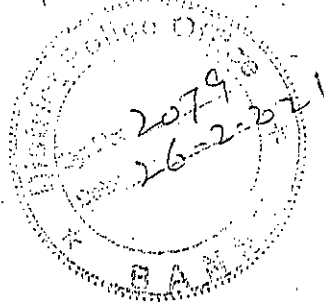
For 21/2



District Police Officer
BANNU
25-2

ATTESTED





SRC

WAKALAT NAMA

BEFORE THE KP Service Tribunal,
Peshawar

OF 2022

Raham Sher Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Raham Sher Khan

Do hereby appoint and constitute **UZMA SYED, Advocate, High Court, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___ / ___ /2022



CLIENT


ACCEPTED
UZMA SYED


MIR ZAMAN SAFI
ADVOCATES