





Form- A

FORM OF ORDER SHEET

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

Case No.- 891/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/06/2022	<p>The appeal of Mr. Muhammad Arshid presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	15.6.22  Noted By Sunder  15/6/2022	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>27-6-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	27.06.2022	<p>Learned Member (Executive), is on leave. Therefore, the case is adjourned to 05.08.2022 for the same as before.</p> <p> READER</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 891 /2022

Bilal

VERSUS

Senior Superintendent of Police Operation Peshawar &  
Other

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*Bilal*  
APPELLANT

Through

*Roeeda Khan*  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Bilal S/o Feroz R/o Adezai Mathani Peshawar:

**Appellant**

***VERSUS***

1. Senior Superintendent of Police Operation Peshawar.
2. Capital City Police Officer Peshawar.
3. Inspector General of Police KPK Peshawar.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL**  
**ACT 1974 AGAINST THE ORDER DATED**  
**24-01-2019, WHEREBY THE APPELLANT**  
**HAS BEEN AWARDED MINOR**  
**PUNISHMENT OF STOPPAGE OF ONE**  
**YEAR ANNUAL INCREMENT AND**  
**FORFEITURE OF 02 YEARS APPROVED**  
**SERVICE HAS BEEN AWARDED TO**  
**THE APPELLANT AGAINST WHICH THE**  
**APPELLANT FILED DEPARTMENTAL**  
**APPEAL ON 20.02.2019 WHICH HAS NOT**  
**BEEN DECIDED WITHIN THE**  
**STATUTORY PERIOD OF 90 DAYS.**

(2)

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL  
THE IMPUGNED ORDER DATED  
24/01/2019, MAY KINDLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE  
RESTORE ON HIS ORIGINAL POST ON  
SERVICE ALONG WITH ALL BACK  
BENEFITS. ANY OTHER REMEDY  
WHICH THIS AUGUST TRIBUNAL  
DEEMS FIT THAT MAY ALSO BE  
ONWARD GRANTED IN FAVOUR OF  
APPELLANT.

Respectfully Sheweth,

1. That the Appellant has been appointed as Constable since long time with respondent department.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That the appellant while performing is official duty with respondent department on 14.08.2018 the appellant has been dismissed from service by the respondent department against which the appellant filed departmental appeal 17.12.2018. which has been decided on 24.01.2019 whereby the appellant has been reinstated on service but minor punishment of forfeiture of 2 years

approved service and stoppage of one year annual increment has been awarded to the appellant. (Copies of dismissal order, departmental appeal & impugned order are attached as annexure "A, B & C").

4. That the appellant submitted departmental appeal on 20.02.2019 against the impugned order dated 24.01.2019. (Copy of departmental appeal is attached as annexure "E").
5. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

A. That the impugned order dated 24/01/2019 is void and ab-initio order because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.

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

(4)

C. That the impugned order is also void because no regular or departmental inquiry was conducted against the appellant which is mandatory before imposing the major penalty and no opportunity of personal hearing and defense has been provided to the appellant relied upon a judgment reported on 2003 PLC (CS) Page 365 on 2021 PLC (CS) page 235 as well as judgment of this Tribunal in service appeal No. 1181/2018 decided on 17.09.2021.

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

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

F. That there is no proof and evidence regarding the allegation leveled against the appellant.


G. That the punishment has been awarded to the appellant is come under the definition of recurrence cause of action.

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

*It is therefore, most humbly prayed that on acceptance on acceptance of this appeal the impugned order dated 24/01/2019, may kindly be set aside and the appellant may kindly be restore on his original post on service along with all back benefits. any other remedy which this august tribunal deems fit that may also be onward granted in favour of appellant..*

  
APPELLANT

Through

  
Roed Khan  
Advocate, High Court  
Peshawar.

NOTE:-

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

  
Advocate.

(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Bilal

VERSUS


Senior Superintendent of Police Operation Peshawar &  
Other

**AFFIDAVIT**

I, Bilal S/o Feroz R/o Adezai Mathani Peshawar, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

  
**DEPONENT**

***IDENTIFIED BY:***

  
**Rozeeda Khan**  
Advocate High Court  
Peshawar.



(7)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Bilal

VERSUS

Senior Superintendent of Police Operation Peshawar &  
Other

**ADDRESSES OF PARTIES**

***PETITIONER.***


Bilal S/o Feroz R/o Adezai Mathani Peshawar.

**ADDRESSES OF RESPONDENTS**

1. Senior Superintendent of Police Operation Peshawar.
2. Capital City Police Officer Peshawar.
3. Inspector General of Police KPK Peshawar

  
APPELLANT

Through

  
Roeeeda Khan  
Advocate, High Court  
Peshawar.

(2)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Bilal

VERSUS

Senior Superintendent of Police Operation Peshawar &  
Other

**APPLICATION FOR CONDONATION OF DELAY (IF ANY)**

**Respectfully Sheweth,**

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.

**GROUNDS:**

A. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.

B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

( 9 )

C. That the punishment has been awarded to the appellant is come under the definition of recurrence cause of action and according to judgment of superior court no limitation run against recurrence cause of action.

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

Bide  
APPELLANT

Through

Roeeda Khan  
Advocate, High Court  
Peshawar.



(A) (10)

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR

Ph: 091-9210508 Fax: 091-9213054

ORDER


This office order will dispose of the departmental enquiry initiated against Constable Bilal No. 4305 vide this office No. 65/E/PA dated 31.10.2018 on the basis of following charges:-

- i. That on 21.10.2018 he alongwith constable Akbar Azam 1168/SPO signaled a car in the jurisdiction of PS Pishtakhara on suspicion. However, driver of the car did not obey the signal and speed up his car.
- ii. He alongwith SPO Akbar Azam No. 1168 started chasing the car in an unprofessional manner and created a panic situation by directly firing at the vehicle without caring for the passersby and unnecessarily caused injury to a child namely Waqas.
- iii. That the above act reflects gross negligence on his part and is unbecoming of a professional police officer.

Proper departmental proceedings were initiated and ASP Hayatabad was appointed as Enquiry Officers to probe the matter and ascertained the factual position. During the course of enquiry, the E.O held the accused officials guilty of the charges.

On receipt of the findings, Final Show Cause Notice was served upon him vide this office No. 1582/PA dated 26.11.2018. His written reply was obtained and examined. The same was found unsatisfactory. He was called in OR on 07.12.2018 and heard in person. He was provided an ample opportunity for defence. However, he failed to defend himself with plausible grounds. In the circumstances, charges leveled against him stand proved beyond any shadow of doubt. Therefore, the undersigned, being Competent under the law, awards him the **major punishment** of "dismissal from service" with immediate effect.

Order announced.

  
SENIOR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 1963-69 /PA, dated Peshawar, the 14/12 2018.  
Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. SP HQrs: CCP Peshawar.
3. OASI/CRC
4. FMC. Ehd-12

2782  
=





OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

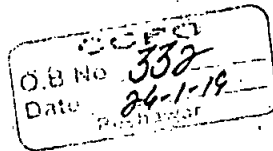
ORDER.

This order will dispose off the departmental appeal preferred by Ex-Constable Bilal No.4305 who was awarded the major punishment of "Dismissal from service" by SSP/Operations Peshawar vide order No.1963-67/PA, dated 14-12-2018.

2- The allegations leveled against him were that he while posted at Police Station Pishtakhara and on 21-10-2018 he alongwith SPO Akbar Azam No.1168 signaled a car in the jurisdiction of PS Pishtakhara on suspicion. However, driver of the car did not obey the signal and sped up his car. He alongwith the said SPO chased the car in an unprofessional manner and created a directly fired at the vehicle which resultantly caused injury to a child namely Waqas. On the above allegations he was awarded the major punishment of dismissal.

3- He was issued proper charge sheet and summary of allegations by SSP/Operations and ASP Hayatabad was appointed as enquiry officer to probe the matter and ascertained the factual position. The enquiry officer during the course of enquiry held the accused official guilty of the charges. The competent authority after examining the finding of the enquiry officer issued him final show cause notice to which his reply was obtained and found unsatisfactory, hence awarded the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant contended that he has 5/6 years unblemished Police service at his credit and requested for reinstatement in service. Therefore, considering the fact that the appellant resorted to this extreme step in official duty and to enforce the lawful order of stop and search, a lenient view is taken and his appeal for reinstatement is accepted. He is reinstated into service with immediate effect. However, for his negligence he is awarded the minor punishment of forfeiture of 02 years approved service and stoppage of 01 year annual increment with accumulative effect. No back benefit is granted for the period he remain out of service.



(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 233-38 /PA dated Peshawar the 24-01-2019

Copies for information and n/a to the:-

1. SSP/Operations Peshawar.
2. PO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

(10) (13)

To

Inspector General of Police  
Khyber Pakhtunkhwa Peshawar

Subject:-

DEPARTMENTAL APPEAL AGAINST THE ORDER  
DATED 24.01.2020 WHEREBY MINOR PUNISHMENT  
FORFEITURE OF 02 APPROVED SERVICE AND  
STOPPAGE OF 01 YEAR ANNUAL INCREMENT HAS  
BREN AWARDED TO THE APPELLANT

Dear Sir,

Respectfully Sheweth

1. That the appellant has been appointed as constable since long time with respondent department and after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
2. That on 24.01.2020 the impugned order has been issued against the appellant whereby the minor punishment forfeiture of 02 years approved service and stoppage of 01 year annual increment has been awarded to the appellant.
3. That there is no proof and evidence regarding the allegation leveled against the appellant.
4. That the appellant belongs to a poor family.

*It is, therefore, requested that on acceptance of the instant departmental appeal the impugned order 24.01.2020 may kindly be set aside and the appellant may kindly be restored on his original post along with all back benefits.*

Dated :- 20-02-2019


Bilal  
Constable Bilal



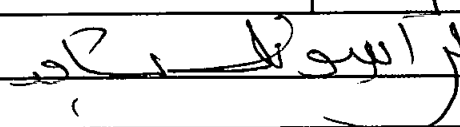
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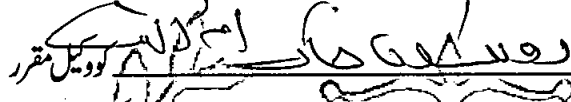

ایڈوکیٹ:   
بار کونسل / ایسوسی ایشن نمبر:  
رابطہ نمبر: 03330265955

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:  لڑا ایسوسی ایشن

	منجانب: 	دعویٰ:
		علت نمبر:
		مورخہ:
		جرم:
		تھانہ:


**باعث تحریر آنگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ  
 آن مقام  کے لیے  کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر ثالثت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی ادا کرنے ہر اہل علم کے لئے اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا استعمال پر داخلہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانبہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم:

مقام \_\_\_\_\_ کے لیے منظور ہے۔

Accepted  
13/1  


نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔