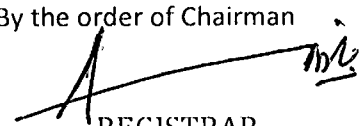


Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1213/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2022	<p>The appeal of Mr. Ibrahim presented today by Mr. Abdul Rauf Afridi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10-08-2022 .</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

**Ibrahim (ASI).....Appellant**

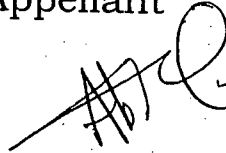
**V E R S U S**

**IG KPK & others ..... Respondents**

**I N D E X**

<b>S NO</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEX</b>	<b>PAGES</b>
1.	Service Appeal	-	1-4
2.	Affidavit	-	5
3.	Application for condonation of Delay along with affidavit		6-7
4.	<b>Copy of the Impugned Order dated 24.09.2021</b>	<b>A</b>	8
5.	<b>Copy of departmental Appeal and Order dated 01.07.2022</b>	<b>B</b>	9-11
6.	<b>Wakalat Nama</b>		12

Through: Appellant



**ABDUL RAUF AFRIDI**  
Advocate,  
High Court, Peshawar

Dated:- 05.08.2022

①

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

Ibrahim (ASI) S/o Khiyal Baz R/o Ghundi, Tehsil Jamrud  
District Khyber.

.....Appellant

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Capital City Police Office, Khyber Pakhtunkhwa, Peshawar
3. District Police Officer, District Khyber.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF**  
**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**ACT 1974 AGAINST THE IMPUGNED ORDER**  
**DATED 24.09.2021, WHEREBY THE**  
**APPELLANT WAS IMPOSED MAJOR PENALTY**  
**OF DISMISSAL FROM SERVICE AGAINST**  
**WHICH THE DEPARTMENTAL APPEAL WAS**  
**FILED, WHICH WAS REJECTED BY**  
**RESPONDENTS NO 2 ON 01.07.2022.**

**Prayer in Appeal:**

On acceptance of this Appeal, the Order dated 24.09.2021, whereby the Respondent No 3 has illegally terminated/dismissed the Appellant from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

**Respectfully Sheweth:-**

The Appellant humbly submits as under:-

1. That the Appellant is the Law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That briefly stated the fact relevant for the purpose of this Appeal are that, Appellant was initially appointed by the Respondents as Khasadar and later on after the merger of FATA into Khyber

Pakhtunkhwa, the post of the Appellant was converted as ASI at District Khyber.

3. That after appointment, the Appellant took over the charge against the above mentioned Sanctioned Post, the Appellant was being competent for the said post he was performing his duty with great zeal & zest and with full devotion with no complaint whatsoever.
4. That vide order dated 24.09.2021 the Appellant was dismissed from service while awarding Major Punishment on the ground that there are reports of sources that the Appellant remained involved in Drugs peddling and other illegal activities. **(Copy of the Impugned Order dated 24.09.2021 is attached as annexure A)**
5. That neither any inquiry, nor any show cause notice and no any proper opportunity was given to the Appellant for being heard, but the Respondents had illegally and unlawfully issued the impugned termination / dismissal order against the Appellant in hasty manner, which is illegal, unlawful, without lawful authority.
6. That thereafter the Appellant filed Departmental Appeal against the impugned Termination Order dated 24.09.2021 before the Respondents No 2, but in vain and the same was dismissed by the Respondent No 2 vide order dated 01.07.2022. **(Copy of departmental Appeal and Order dated 01.07.2022 is attached as annexure B)**
7. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

**GROUND:-**

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.

- B) That as per the policy guide lines it is obligatory upon the competent authority to issue the termination order in such manners provided under the rules and policy according to which the Appellant has been terminated/dismissed from service on the basis of illegal and baseless allegations, which is illegal unlawful without lawful authority.
- C) That the fundamental right of the Appellant has blatantly violated by the Respondents and the Appellant have been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- D) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the apex courts that when the employee serving on respective post the competent authority is not allowed to terminate / removed the employee with malafide intention or for ulterior motives, while in the present case the respondents neither only violated the prescribed rules and regulations but also harassed the Appellant which can easily be gathered from the face of order, which is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- E) That the respondents violated the fundamental rights of the Appellant enshrined under the article 4 and 10 of the constitutional of Pakistan that when the ordinary procedure for giving major punishment had been specified in the law or rules made thereunder such procedure must be respected and could not be varied, except for compelling reasons which should be recorded in writing and were judicially reviewable termination of civil servants by political figures which were capricious and were based on consideration not in the public interest were not legally sustainable, hence as per the above mentioned circumstances the impugned order of the respondent No. 3 is illegal, unlawful, and

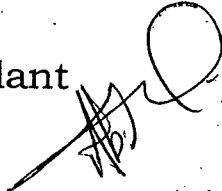
unwarranted in the eyes of law and liable to be declared so.

F) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

**PRAYER:-**

It is, therefore, most humbly prayed that, On acceptance of this Appeal, the Order dated 08.02.2017, whereby the Respondent No 2 has illegally terminated/removed the Appellant from service may kindly be set aside and the Appellant may please be reinstated / restored into his service with all back benefits.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

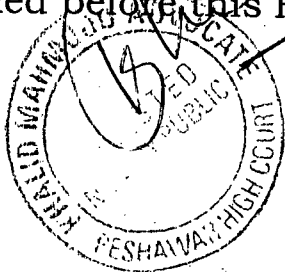
Appellant  
Through:   
**ABDUL RAUF AFRIDI**  
Advocate,  
High Court, Peshawar

Dated:- 05.08.2022

**CERTIFICATE:**

It is certified that no such like Service Appeal has earlier been filed before this Hon'ble Tribunal.

  
**DEPONENT**



5-8-22

5

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

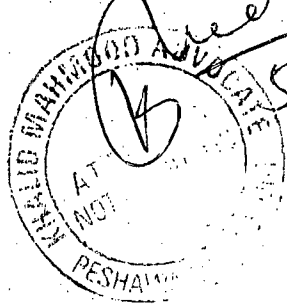
**Ibrahim (ASI).....Appellant**

**V E R S U S**

**IG KPK & others ..... Respondents**

**AFFIDAVIT**

I, Ibrahim (ASI) S/o Khiyal Baz R/o Ghundi, Tehsil Jamrud District Khyber, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Ibrahim*  
*5-8*  


*Ibrahim*

**DEPONENT**

6

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

**Ibrahim (ASI).....Appellant**

**V E R S U S**

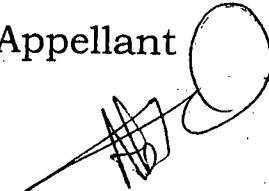
**IG KPK & others ..... Respondents**

**APPLICATION FOR CONDONATION OF DELAY OF FILING OF**  
**APPEAL IF ANY**

**Respectfully Sheweth:**

1. That the above noted Appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That after issuance of illegal dismissal order from service which was not granted to the Appellant by the Respondents and after lapse sufficient time the same was received by the Appellant through some other means, hence the instant Appeal is filed after receiving of the order dated 01.07.2022.
3. That there is no legal bar on acceptance of the instant Application.

**It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, may kindly be condoned in the interest of justice.**

Through: Appellant  


**ABDUL RAUF AFRIDI**  
Advocate,  
High Court, Peshawar

Dated:- 05.08.2022



**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

(7)

Service Appeal No \_\_\_\_\_/2022


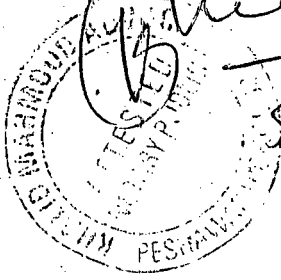
**Ibrahim (ASI).....Appellant**

**VERSUS**

**IG KPK & others ..... Respondents**

**AFFIDAVIT**

I, Ibrahim (ASI) S/o Khiyal Baz R/o Ghundi, Tehsil Jamrud District Khyber, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
5-8-22  


  
**DEPONENT**



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



8

Attested to be  
true copy

*[Signature]*  
Advocate

ORDER

ASI Ibrahim s/o Khyal Baz of Police Station Jamrud as per sources report you remained involved in drugs peddling and other illegal activities consequent upon which the undersigned being a competent authority under Police Rules 1975 issued a Show Cause Notice with the opportunity to be heard in person which the defaulter official did not avail.

In reply of the Show Cause notice the defaulter official failed to submit any cogent reason/reply regarding the allegations leveled against him consequently a Charge Sheet with Summary of Allegations was issued on 17/03/2021 and DSP/Hqrs Khyber was assigned as Inquiry Officer.

The Enquiry Officer in his finding report stated that the defaulter official is involved in malpractices during his posting at Police Station Jamrud. In reply of the charge sheet the defaulter official again failed to submit any cogent reason and the inquiry officer was not satisfied. The inquiry office also used other sources to inquire about the defaulter official which also revealed his involvement in drug peddling and involvement in narcotics. The inquiry officer recommended major punishment for the official.

Keeping in view the recommendations of the Enquiry Officer & available record defaulter ASI Ibrahim s/o Khyal Baz is hereby awarded a major punishment of Dismissal from service with immediate effect.

*[Signature]*

DISTRICT POLICE OFFICER,  
KHYBER

No. 4138 /PSO Khyber, dated Khyber

24 / 09 / 2021.

Copies to all concerned for further necessary action.

Annex: A

(9)

BEFORE THE WORTHY  
CHIEF CAPITAL POLICE OFFICER (CCPO),  
KHYBER

DEPARTMENTAL APPEAL

AGAINST THE IMPUGNED ORDER NO. 4138/PSO  
KHYBER, DATED: 24/09/2021 PASSED BY  
DISTRICT POLICE OFFICER KHYBER.

Revered Sir,

1. That the appellant humbly beg to submit before you good-self that the appellant was working as ASI in District Police Officer and always served the department diligently, honestly, efficiently and up to the entire satisfaction of his superiors. There is no iota of complaint from all four corners against the appellant at any forum rather the services rendered by the appellant were always appreciated by the high ups of the department.
2. That the following allegations were leveled against the appellant:-  
*"Ibrahim posted as ASI at P.S Jamrud to involved in Drug peddling and other illegal activities".*  
That said allegations are false and frivolous and do not bear the merits of the case hence, are liable to be set aside.
3. That the competent authority without realizing the actual facts of the case and without hearing the appellant, has imposed major punishment of dismissal from service without unveiling the real facts of the case. The appellant has nothing to do with the so called allegations, therefore, contends his departmental appeal inter alia on the following.

**GROUND:**

- a. That the impugned order dated: 24-09-2021 is illegal, unlawful and has been passed without appreciating the real facts of the case and even without participating the appellant into departmental proceedings hence, is liable to be set aside.

Attested to be  
True copy

*[Signature]*  
Advocate

Annex: B

- 10
- b. That the appellant has been punished without issuance of any show cause notice, which is mandatory requirement of Police Efficiency & Discipline Rules, 2011. The entire proceedings were conducted without any show cause notice, meaning thereby, the entire superstructure built on hollow ground is liable to be dashed to ground. The impugned order is a void order and is liable to be set aside.
- c. That the appellant was not called for personal hearing and was condemned unheard while violating the Latin Maxim Audi Alterm Partem. Thus impugned order was passed in haste during the absence of the appellant without hearing the version of the appellant and against Article 10-A of Constitution of Islamic Republic of Pakistan, 1973.
- d. That it was the primary duty of the authority to first prove the allegation by holding a regular inquiry as has been held by the Honourable Tribunal and Supreme Court of Pakistan in many cases i.e. PLD 2008 SC 451, 1997 SCMR 1543. No enquiry was held in the case of appellant.
- e. That the appellant has been deprived from his beard and butter to himself and his family which is against the provision of Constitution of Islamic Republic of Pakistan 1973 hence, a unanimous view of the matter may kindly be taken.

**PRAYER:-**

In view of nutshell of back drop, it is, most respectfully prayed that while accepting the appeal in hand, the impugned order dated: 24-09-2021 passed by District Police Officer, Khyber, may kindly be set aside and the appellant may kindly be re-instated into his service from the date of his dismissal from service along with all consequential back benefits, in the interest of justice.

I have the Honour to be  
Sir,  
Your's Most Obedient Servant.

*Ibrahim*  
ASI Ibrahim  
District Police Khyber



Attested to be  
true copy  
J. J. J.  
Amwate

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

11

ORDER.

This order will dispose of the departmental appeal preferred by Ex-ASI Ibrahim s/o Khyal Baz who was awarded the major punishment of "Dismissal from Service" under PR-1975 by District Police Officer Khyber vide order No.4138/PSO, Khyber dated 24.09.2021.

2- Shorts facts leading to the instant appeal are that the appellant while posted at Police Station Jamrud Khyber was proceeded against departmentally on the charges that he was involved in drugs peddling and other illegal activities.

3- He was issued proper Charge Sheet and Summary of Allegations by District Police Officer Khyber. DSP/HQr: Khyber was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings and recommended the accused official for major punishment. The competent authority in light of the findings of the inquiry officer awarded him the above major punishment.

4- In this regard District Police Officer Khyber was directed that re-inquiry/fresh assessment should be conducted regarding his involvement in drug peddling and other illegal activities. The District Police Officer Khyber conducted inquiry through SP/Inv: Khyber. The inquiry officer submitted that the appellant was found guilty of the charges levelled against him

5- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible justification in his defence. Therefore, keeping in view the re-inquiry/fresh assessment of SP/Investigation Khyber, his appeal for reinstatement in service is hereby rejected/filed.

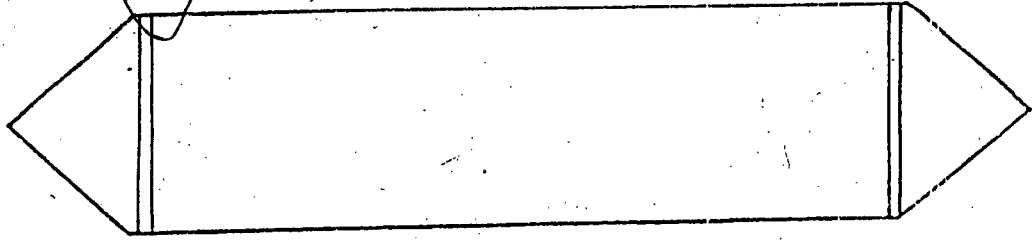
(MUHAMMAD IJAZ KHAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 3006-10 /PA, dated Peshawar the 01/10/2022

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber
- ✓ 4. Official concerned.

# بعدالت صاحب سپر انٹرنیشنل ٹریڈنگ کمپنی



2 منجانب

بنام

IGP KPI & other

ادراہیم

موزخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پروا اختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہر یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 5 \_\_\_\_\_ ماہ اگست 2022

\_\_\_\_\_ واہ العباد

مقام  
ظہیر  
accepted by  
Attested  
\_\_\_\_\_