

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1-	2	3
	16.11.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.94/2014</p> <p style="text-align: center;">(Abubakar-vs- Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Javed Iqbal, Inspector (Legal) alongwith Mr.Ziaullah, GP for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the order dated 1.11.2013, whereby the appellant has been awarded major punishment of dismissal from service w.e.f 15.5.2013, against which the departmental appeal has also been rejected vide order dated 16.12.2013, communicated to the appellant on 20.12.2013. He prayed that on acceptance of this appeal the impugned orders dated 1.11.2013 and 16.12.2013 may kindly be set aside and the appellant may please be reinstated in service with all back benefits.</p> <p>3. Brief facts giving rise to the instant appeal are that the appellant was initially enlisted as Constable in the Police</p>

Department in the year 2007. That the appellant while performing his duties at Police Line Bannu, he came to know that he has been falsely implicated in a criminal case under Section-324/34 PPC vide FIR No 275 dated 13.5.2013, at Police Station Hangu. That since his enemies were influential and there was serious threat to his life and to the lives of his family member, therefore the appellant went into hiding in order to save their lives. That in the meantime a charge sheet and statement of allegations dated 14.5.2013, were issued. Copy of the charge sheet and statement of allegations were however, never communicated to the appellant. That without making any endeavour to associate the appellant with the enquiry proceedings, an ex-party enquiry was conducted and the Enquiry Officer recommended the appellant for major punishment. That thereafter a show cause notice dated 2.9.2013 was also issued. That respondents No. 3 without applying his prudent mind, awarded the major penalty of dismissal from service vide order dated 1.11.2013. That the appellant preferred departmental appeal which was rejected vide order dated 16.12.2013, copy of the order was however, communicated to the appellant on 30.12.2013, hence this appeal.

4. The learned counsel for the appellant argued that the appellant had not been treated in accordance with law hence his rights secured and guaranteed by law were badly violated. He further argued that no proper procedure had been followed before imposition of the penalty on the appellant, no charge sheet/statement of allegations, show cause notice were served

upon the appellant nor was he associated with the enquiry proceedings thus the whole proceedings were defective and the order passed was nullity in the eyes of law. He further submitted that appellant had not been provided findings of the enquiry report which was mandatory in case of major punishment and he was also not heard in person before awarding him the major punishment. The impugned orders thus passed were defective and therefore not maintainable under the law. He further argued that full opportunity of defense was not provided to the appellant which was against the principles of natural justice. He prayed that the appeal may please be accepted and the impugned orders may be set aside and appellant may be reinstated in service with all back benefits.

5. The learned Government Pleader argued that the appellant was involved in a criminal case and absented himself without prior approval of Competent Authority. He was issued proper charge sheet and formal enquiry was constituted but the appellant failed to appear before the Enquiry Officer. The Enquiry Officer concluded the enquiry ex-parte and recommended major punishment by the Competent Authority. A final show cause notice was also served upon the appellant but he failed to defend himself against the charge. He prayed that since the codal formality were completed before imposition of the penalty, the appeal of the appellant was devoid of any merits which may be dismissed.

6. Arguments of learned counsels for the parties heard at length and record perused with their assistance.

7. From arguments of the learned counsels for the parties and perusal from the record of the case, it transpired that proper departmental enquiry was conducted for the charges of un-authorized absence against the appellant which was established by the said enquiry report. The appellant was provided opportunity of defense but he failed to avail the same and avoided to appear before the Enquiry Officer and also failed to furnish reply to the final show cause notice. Moreover the appellant failed to prove his innocence before the Appellate Authority. In the circumstances, the Tribunal does not find any justification to interfere in the case which hardly carries any substance for intervention of this Tribunal. The case is accordingly dismissed. Parties are left to bear their own costs. File be consigned to the record.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED
16.11.2015

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Department in the year 2007. That the appellant while performing his duties at Police Line Bannu, he came to know that he has been falsely implicated in a criminal case under Section-324/34 PPC vide FIR No 275 dated 13.5.2013, at Police Station Hangu. That since his enemies were influential and there was serious threat to his life and to the lives of his family member, therefore the appellant went into hiding in order to save their lives. That in the meantime a charge sheet and statement of allegations dated 14.5.2013, were issued. Copy of the charge sheet and statement of allegations were however, never communicated to the appellant. That without making any endeavour to associate the appellant with the enquiry proceedings, an ex-party enquiry was conducted and the Enquiry Officer recommended the appellant for major punishment. That thereafter a show cause notice dated 2.9.2013 was also issued. That respondents No. 3 without applying his prudent mind, awarded the major penalty of dismissal from service vide order dated 1.11.2013. That the appellant preferred departmental appeal which was rejected vide order dated 16.12.2013, copy of the order was however, communicated to the appellant on 30.12.2013, hence this appeal.

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upon the appellant nor was he associated with the enquiry proceedings thus the whole proceedings were defective and the order passed was nullity in the eyes of law. He further submitted that appellant had not been provided findings of the enquiry report which was mandatory in case of major punishment and he was also not heard in person before awarding him the major punishment. The impugned orders thus passed were defective and therefore not maintainable under the law. He further argued that full opportunity of defense was not provided to the appellant which was against the principles of natural justice. He prayed that the appeal may please be accepted and the impugned orders may be set aside and appellant may be reinstated in service with all back benefits.

ATI

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(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED
16.11.2015

12.10.2015

Appellant with counsel and Mr. Ziaullah, GP with Mr. Javed Iqbal, Inspector legal for the respondent present. representative of the respondents is directed to produce the inquiry repor. To come up for order on 16-11-15.



Member



Member


6- 11.9.2014

Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Javed Iqbal, Inspector Legal on behalf of respondents with Mr. Kabirullah Khattak, AAG present. Written reply/comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 13.1.2015.


Chairman

7- 13.01.2015

Appellant in person and Mr. Javed Iqbal, Inspector (legal) on behalf of respondents alongwith Addl. A.G present. Rejoinder submitted. To come up for final hearing/arguments on 30.6.2015.


Chairman

1 30.06.2015

Counsel for the appellant and Mr. Javed Iqbal, Inspector (Legal) alongwith Muhammad Jan, GP for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 28.08.2015.


Member


Member

28.08.2015

Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, GP with Javed Iqbal, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 12-10-2015.


MEMBER


MEMBER

Appeal No. 94/2014.
Mr. Abu-bakar.

3. 12.03.2014

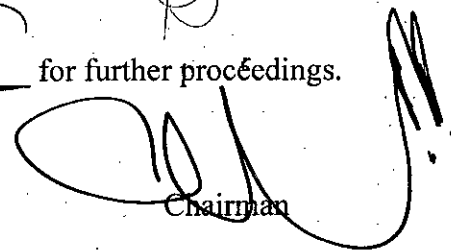
Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 01.11.2013, he filed departmental appeal on 18.11.2013, which has been rejected on 16.12.2013 received to the appellant on 20.12.2013 and the present appeal on 20.01.2014. He further contended that the impugned order is not a speaking order as no reason has been given. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 30.05.2014.

Appellant Deposited
Security & Process Fee
Rs. 182/- Bank
Receipt is Attached with File.


Member

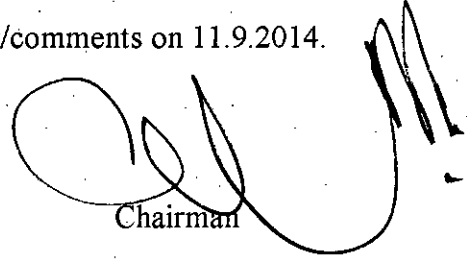
4. 12.03.2014

This case be put before the Final Bench  for further proceedings.


Chairman

5- 30.5.2014



Appellant in person and Mr. Javed Iqbal, Inspector on behalf of respondents with AAG present. Written reply has not been received. To come up for written reply/comments on 11.9.2014.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 94/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/01/2014	<p>The appeal of Mr. Abubakar presented today by Mr. Ijaza Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 94 /2014

Abubakar Ex- Constable No. 4002, Company No. 31 Elite Force,
Bannu.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others.

(Respondents)

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5	Dismissal Order Dated 01.11.2013	D	9
6	Departmental Appeal & Rejection Order dated 16.12.2013	E & F	10-11
7	Acquittal Order dated 11.01.2014	G	12-15
8	Vakalatnama		


Appellant

Through



IJAZ ANWAR
Advocate, Peshawar

&

SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 94 /2014

G.W.F. Peshawar
No. 97
dated 20-1-2014

Abubakar Ex- Constable No. 4002, Company No. 31 Elite Force, Bannu.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Service appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order No. 14937-44/EF dated 01.11.2013, whereby the appellant has been awarded the major punishment of Dismissal from Service w.e.f 15.05.2013, against which the Departmental Appeal has also been rejected vide order dated 16.12.2013, communicated to the appellant on 20.12.2013.

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 01.11.2013 and 16.12.2013, may kindly be set aside and the appellant may please be reinstated in service with all back benefits and wages of service.

Respectfully Submitted:

~~Signature~~

[Signature]
20/1/2014

1. That the appellant was initially enlisted as Constable in the Police department in year 2007. It is pertinent to mention that the appellant after undergoing the Elite Force Training was also inducted in the Elite Force.
2. That ever since his enlistment the appellant has performed his duties as assigned to him with zeal & devotion and there was no complaint whatsoever regarding his performance.
3. That while serving in the said capacity, the appellant while performing his duties at Police Line Bannu, he came to know that he has been falsely implicated in a criminal case under Section 324/34 PPC vide FIR No. 275 dated 13.05.2013, at

Police Station Hangu City. (Copy of the F.I.R is attached as Annexure A).

4. That the Respondent Department was duly informed of the false implication of the appellant in the criminal case. Being the sole guardian of his house and family the appellant rushed to his home.
5. That since his enemies were influential and there was serious threat to his life and to the lives of his family members, therefore the appellant went into hiding in order to save their lives.
6. That in the meantime a Charge Sheet and Statement of allegations dated 14.05.2013, were issued containing the allegations that ***"You were involved in case FIR, 275 dated 13.05.2013 U/S 324/34 PPC PS City, District Hange. Also you remained absent from duty without any leave or permission w.e.f 12.05.2013."*** Copy of the Charge Sheet and statement of allegations were however, never communicated to the appellant (Copy of the Charge Sheet and Statement of Allegations is attached as Annexure B).
7. That without making any endeavor to associate the appellant with the Inquiry proceedings, an ex-party inquiry was conducted and the inquiry Officer recommended the appellant for major punishment.
8. That thereafter, a Show Cause Notice dated 02.09.2013, was also issued, however never conveyed to the appellant. (Copy of the Show Cause Notice is attached as Annexure C)
9. That the Respondent No. 3 without applying his prudent mind, awarded the major penalty of ***DISMISSAL FROM SERVICE*** to the appellant vide order dated 01.11.2013.(Copy of the Order Dated 01.11.3013 is attached as Annexure D).
10. That the appellant after obtaining the copy of the Dismissal Order submitted his departmental Appeal, however it has also been rejected vide order dated 16.12.2013, copy of the order was however, communicated to the appellant on 20.12.2013. (Copies of the Departmental Appeal & Rejection Order dated 16.12.2013 are attached as Annexure E & F).
11. That the appellant after affecting compromise with his enemies was also acquitted from criminal Charges by learned Additional Session Judge Hangu, vide order and Judgment dated 11.01.2014. (Copy of the Acquittal Order dated 11.01.2014 is attached as Annexure H).

12. That the impugned Orders are illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds:-

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed by law were badly violated.
- B. That no proper procedure has been followed before awarding the penalty to the appellant, neither any Charge Sheet / Statement of allegation or Show Cause Notice have been conveyed to the appellant nor he has been associated with the inquiry proceedings, thus the whole proceedings are conducted ex-party, moreover the proceedings so conducted are defective and order so made is nullity in the eye of law.
- C. That the appellant has not been allowed opportunity of personal hearing before awarding him the penalty, thus he was condemned unheard.
- D. That no charge sheet or show cause notice has never been served upon the appellant before awarding him the penalty of Dismissal from Service.
- E. That the appellant has not been provided findings of inquiry report which is necessary in case of awarding major penalty.
- F. That the order of Dismissal from Service is made with retrospective effect, thus the same is nullity in the eye of law as no executive / penalty order can be made with retrospective effect.
- G. That no witness has been examined against the appellant during the inquiry proceedings, or if so examined, the appellant has not been allowed opportunity to cross examine the same.
- H. That the proceedings conducted against the appellant are complete misapplication of law, the appellant has been proceeded against under the wrong law, thus the whole proceedings are void ab-initio and nullity in the eyes of law.
- I. That the appellant never absented himself willfully but it was due to his false implication in the criminal case in which he has now gained acquittal.
- J. That the appellant has at his credit at about 6 years spot less service career, the penalty imposed is harsh and liable to be set aside.

K. That the appellant is jobless since his illegal Dismissal from Service.

L. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the time of hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 01.11.2013 and 16.12.2013, may kindly be set aside and the appellant may please be reinstated in service with all back benefits and wages of service.

[Handwritten Signature]
Appellant

Through

[Handwritten Signature]

IJAZ ANWAR
Advocate, Peshawar
&

[Handwritten Signature]

SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, **Abubakar Ex- Constable No. 4002, Company No. 31 Elite Force, Bannu**, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

[Handwritten Signature]
Deponent



6

Annexure "B"

CHARGE SHEET

I, Muhammad Iqbal, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, hereby charge you Constable Abubakkar No. 4002, Company No. 31 of Elite Force as follows;

You were involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City, district Hangu. Also you remained absent from duty without any leave or prior permission w.e. from 12.05.2013.

By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


(MUHAMMAD IQBAL)

Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

Attested



7

SUMMARY OF ALLEGATIONS

I, Muhammad Iqbal, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that Constable Abubakkar No. 4002 Company No. 31 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th January 1976).

SUMMARY OF ALLEGATIONS

He was involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City, district Hangu. Also he remained absent from duty without any leave or prior permission w.e.from 12.05.2013

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Hashmat Ali Shah SP Elite Force Kohat is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(MUHAMMAD IQBAL)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 7013 -17/EF, dated Peshawar the 14/05/2013.

Copies to:

1. Superintendent of Police, Elite Force Kohat.
2. Office Superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Constable Abubakkar No. 4002, through reader SP/Elite Force Kohat.

Said Iqbal DSP/EF Hangu

E/R

Said Iqbal
DSP/EF
Hangu

(MUHAMMAD IQBAL)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

D:\Change Sheet\New Charge Sheet\New Charge sheet for case FIR.docx

Attestation

[Signature]

8

Annexure "C"

FINAL SHOW CAUSE NOTICE

I, Dilwar Khan Bangash, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27th January 1976), do hereby serve you Constable Abu Bakar No. 4002 of Company No. 31 as follows:

You were involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City, district Hangu. Also he remained absent from duty without any leave or prior permission w.e. from 12.05.2013.

i. That consequent upon the completion of enquiry conducted against you by SP Elite Force, Kohat for which you were given full opportunity of hearing but you did not appear before the enquiry officer.

ii. On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules (amended vide NWFP gazette, 27th January 1976) and charges leveled against you have been established beyond any doubt.

2. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

5. A copy of the finding of the Enquiry Officer is enclosed.

(DILWAR KHAN BANGASH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

No. 11786 /BF, dated Peshawar the 02/09/2013.

Constable Abu Bakkar No. 4002 of Elite Force through reader SP Elite Force Kohat. A special messenger be deputed to serve this notice upon the accused Constable at his home address.

دیلوار خان بنگاش
10/9/13
4002
ابوبکر ولد محمد زبیر

03339673890

Attested
[Signature]



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 14937-44/EF

Dated: 01/11/2013.

ORDER

Constable Abu Bakkar No. 4002 of Elite Force was found guilty of gross misconduct on the following grounds.

He was allegedly involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City, district Hangu. Also he remained absent from duty without any leave or prior permission w.e.from 12.05.2013.

Consequently an enquiry was conducted against him through Mr. Hashmat Ali Shah SP Elite Force Kohat. A Final Show Cause notice was also issued to him, but he failed to appear before the enquiry officer. The enquiry officer also recommended him for major punishment.

I have come to the conclusion that his retention in Police department is not required as he has seems to be found guilty of a very serious misconduct.

Therefore, I Dilawar Khan Bangash, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, therefore, impose major penalty of dismissal from service upon him from the date of his absence i.e. 15.05.2013.

(DILAWAR KHAN BANGASH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force South.
2. Deputy Superintendent of Police, Elite Force Kohat.
3. Office Superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for recovery of Pay.
5. RI Elite Force Khyber Pakhtunkhwa Peshawar.
6. OASL, Elite Force Khyber Pakhtunkhwa Peshawar.
7. SRC / FMC, Elite Force Khyber Pakhtunkhwa Peshawar.

Seen
S.

Alleged
F

To

(10)

Annexure "E"

The Commandant
Elite Force Khyber Pakhtunkhwa.

Subject: APPEAL FOR RE-INSTATEMENT IN SERVICE

Respected Sir,

Reference your order No. 14937-44/EF, dated 01/11/2013, I hereby explain my position that on 13/05/2013 I was on my routine duty in Bannu Police Lines and went to Bannu Bazar with regard to some personal engagement. Meanwhile, on the same day at 15:35 PM an FIR was lodged against me in Police Station Hangu City under Section PPC 324/34, which was reported to Bannu Police Lines. I was informed on phone by my household that an FIR had been lodged in PS Hangu City against me. Being the sole custodian/guardian of the house and family, I rushed to my home.

Moreover, it is submitted that the undersigned had land related issues in his village and the opponent party falsely accused him in the aforementioned case. However, the undersigned has reached at a compromise with the opponents and the false FIR lodged would be withdrawn in due course of time (Annex-I).

To sum up, it is prayed that the undersigned is totally innocent and falsely dragged into litigation by the opponent party due to some malafide intensions. It is therefore humbly requested that all the accusations against me may be withdrawn and re-instatement order be issued in my favour please.

OS/R:
Discms tomorrow
8/11

Yours Faithfully,

Abul (or)
(Abu Bakkar)

Constable No.4002

Attest



Office of the Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar



No. 16979 /EF

Dated 16/12/2013.

To : Mr. Abu Bakar S/O Muhammad Zubair
Address : Mohallah Al Sherawe P/O Hangu Teh: & Distt: Hangu
Contact No. 0334-9206402

Annexure "E"

Subject : APPEAL FOR RE-INSTATEMENT IN SERVICE

Your appeal has not been accepted for re-instatement in service and Filed by the competent authority.

(DILAWAR KHAN BANGASH)
Deputy Commandant
Elite Force, Khyber Pakhtunkhwa Peshawar

Attested
F

12

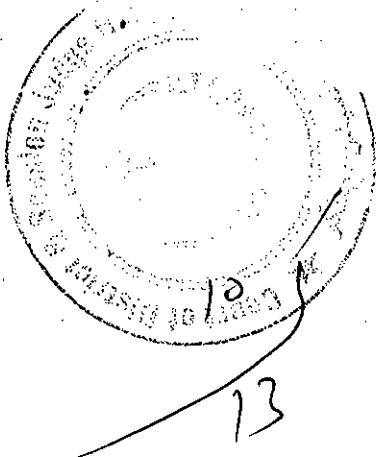
Annexure "G"

NWFP J.(Criminal) 209

GS&PD.NWFP-843/34-Form Store-2,000 P of 100L-08.02.2010/Form Store Jobs/NWFP (Criminal) 2

FORM "A"
FORM OF ORDER SHEET

3 Court of ASJ Hangu Justice
Case No. Sc 90/13 of 2013



Handwritten signature or initials in Urdu script.

Handwritten notes: 324-34 P, 13/05/13, 075

Handwritten note: 11/01/14

Additional Sessions Judge
Hangu

0-8

11-1-2014

Dy. PP for the state,
accused on bail with
counsel present. Arguments
on application for
acquittal of accused
on the basis of compromise
heard and record present.
facts of the case

GET INTO TO BE TRU COPY

15/1/14 EXAMINER
COPYING AGENCY HANGU

PTU

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1 Serial No of Order or Proceedings	2 Date of Order or Proceedings	3 Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
--	-----------------------------------	--

o.s. could

are that accused is charged in the present case for attempting at the life of complainant effectively by firing at him.

In the present case, the accused remained absconder after commission of offence and after that appeared before the court and moved BBA petition which was confirmed by this court on the basis of compromise.

Now the accused has submitted application for ^{his} acquittal on the basis of compromise and has also produced attested copies of compromise proceedings recorded at BBA stage, wherein the complainant injured Abdullah Shah while recording his statement has stated that he has effected compromise with the accused facing trial and has forgiven him in the name

18/1/14
EXAMINER
COPYING AGENCY KARNAL

Attested

could

FORM "A"
FORM OF ORDER SHEET

14

Court of _____
Case No. _____ of _____

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	<p>0-8 contd.</p> <p>15/11/14</p>	<p>of Allah almighty and that he has got no objection if the accused is acquitted of the charge levelled against him.</p> <p>In these circumstances when a genuine compromise has been effected between the parties and the applied offence is compoundable, therefore on acceptance of present application, the accused Abu Bakir is hereby acquitted of the charge levelled against him on the basis of compromise. He is on bail, his bail bond stands cancelled and sureties are discharged.</p> <p>The case properly be kept intact till the lapse of period of limitation. File be consigned to the R/R after its completion.</p> <p><u>ATTNOUNCED</u> 11/1/2014.</p>

117

Name of Counselor: _____
Date on which copy completed: _____
Date on which copy was received: _____
Number of copies: _____
Amount Paid: _____
Name of Clerk: _____
Copying Fee: _____
Date of delivery: _____

(Abul Hashim Hashmi)
Additional Sessions Judge
Hangu

Abul Hashim Hashmi

H

لعدالت جانب ایڈیشنل جج ڈسٹرکٹ سیشن جج صاحب قلم

6

سہ ماہیہ بیمہ الوبیگر

مقدمہ نمبر 275 مورفہ کے 13، 13 م 34/324 PPC

0

درخواست نمبر 26512 PPC

10-1-2014

جانب عالی

سائل حسب ذیل عرض کرتا ہے

1- یہ کہ سائل کا مستحق ہونے سے پہلے کیا ہے

2- یہ کہ مستحق ہونے کے دوران درخواست ضمانت قبول کرنے سے پہلے کیا ہے

3- یہ کہ سائل نے فلاں فلاں کوئی گواہ نہیں اور عدالت حضور حاضر ہونے پر

ضمانت پر کیا

4- یہ کہ عدالت نے کوئی ایسا حکم نہیں کیا ہے

10-1-14

ایڈیشنل جج ڈسٹرکٹ سیشن جج صاحب قلم

M. D. Bangaru

CERTIFIED TO BE TRUE COPY

15/1/14

15/1/14

Handwritten signature and mark at the bottom.

POWER OF ATTORNEY

In the Court of KPK Service Tribunal Peshawar
Abubakar

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

P.P.O and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 &4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Sajid Amin Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 94/2014.

Abubakar.....(Appellant)

Versus

Provincial Police Officer Khyber Pakhtunkhwa and
others.....(Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth!

- a) The appeal has not cause of action.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder and miss-joinder of necessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

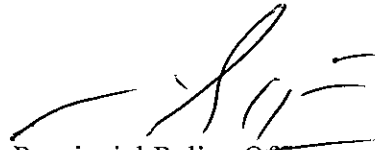
- 1) This Para of the facts of the appeal needs no comments as it pertains to appointment of appellant as constable in Police and his transfer to Elite Force.
- 2) Incorrect, appellant has earned seven (07) bad entries on charges of absence from duty during short span of service. Copy is enclosed as Annexure-A. He was charge vide FIR No. 275 dated 13.05.2013 under section 324, 34 PPC Police Station Hangu. Copy is enclosed as Annexure-B. He was marked absent from duty on 12.05.2013 and absence from duty report was recorded in daily diary of Police lines Bannu vide Serial No. 56 dated 12.05.2013. Extract of the daily diary is enclosed as Annexure-C. He willfully and deliberately avoided joining duty and investigation of the above referred criminal case and the departmental proceedings initiated against appellant on the basis of charges of absence from duty and involvement in criminal case culminated in passing the impugned order.
- 3) Incorrect, appellant along with three unknown accused was directly charged for attempt on the life of complainant namely Abdullah Shah by way of making effective firing. Appellant


- remained absconder for long period and surrendered himself to Police after affecting compromise in the criminal case.
- 4) Incorrect, charge sheet was served on appellant through his father namely Mohammad Zubair. Copy of the charge sheet bearing endorsement of its acknowledgement is enclosed, as Annexure-D.
 - 5) Enquiry report as Annexure-E..
 - 6) Incorrect, charge sheet was served on the father of appellant as explained in reply to Para 4 of the appeal.
 - 7) Incorrect, appellant was deliberately avoiding joining duty and investigation in the criminal case.
 - 8) Incorrect, appellant was wilfully avoiding service of final show cause notice. Self explanatory Urdu report of DSP Elite and Notice served on the father of appellant are enclosed as Annexure-F and G respectively.
 - 9) Incorrect, appellant absented himself from duty with effect from 12.05.2013 till passing the impugned order dated 01.11.2013. Furthermore, appellant deliberately avoided service of charge sheet and offering defense. Therefore penalty commensurate with the charges was imposed on appellant.
 - 10) Incorrect there was no force in the department appeal of appellant, therefore the same was filed.
 - 11) Pertain to court record.
 - 12) Incorrect, the impugned order was passed in accordance with law and rules.


GROUNDS:-

- a) Incorrect, appellant was treated in accordance with law. He avoided defense of the departmental charges despite explicit knowledge of the charges and remained absent from duty for long period.
- b) Incorrect, charge sheet and show cause notice was served on appellant through his father but he failed to offer defense in rebuttal of the charges. All codel formalities were fulfilled.
- c) Incorrect, appellant was deliberately avoiding associating departmental enquiry proceedings.
- d) Incorrect, this Para is mere repetition of Para-B of the ground of appeal.
- e) Incorrect, appellant was neither joining duty nor investigation of the criminal case.

- f) Incorrect, the impugned order has been made effective from the date of absence of appellant.
- g) Incorrect, appellant has admitted the charge of absence from duty and failed to advance plausible explanation.
- h) Incorrect, in addition to the absence period mentioned in the charge sheet, appellant service record contains 07 bad entries on charges of absence from duty. (copy annexed).
- i) Incorrect, the service record of appellant is blemished as he earned 07 bad entries in short period of service.
- j) Incorrect the penalties in accordance with law.
- k) Incorrect, appellant became jobless due to his own conduct.
- l) That respondent may also be allowed to raise additional points during hearing of the case.
It is therefore, prayed that the appeal may please be dismissed with costs.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)


Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.3)

جناب عالی !

حوالہ چارج شیٹ نمبری EF/17-13-7013 معروض
14.5-13

ہوں کہ کنسٹیبل ابو بکر ۹۵۵۲ ایلیٹ فورس بمبئی فزائے متعینہ
ضلع بنوں کے جرائمات انکوائری موصول ہونے پر خانہ
سٹی بنگو کیا قورہ رابطہ کر کے جس کے خلاف مقدمہ عدالت

275 عرفہ 13/13 صرم 324/34 محمدانہ سٹی بنگو
PPC

میں مقدمہ درج رجسٹر ہو چکا ہے۔ جس میں کنسٹیبل
مذکورہ ڈاٹرائٹ چارج ہے۔ کنسٹیبل مذکورہ کے گھر

جا کر مذکورہ کے والد محمد زبیر ولد گل رحمن کیا قورہ رابطہ
کر کے جس کو زبانی طور کنسٹیبل مذکورہ کی غیر حاضری اور

مقدمہ سے مطلع کیا گیا۔ جو کہ پہلے سے معلوم ہے۔ غیر دوبارہ
جا کر نقل چارج شیٹ کی کاپی حوالہ کر کے مذکورہ کو تحریر کی

جواب دینے کی ہدایت کی۔ تیسرا بار جا کر تحریر کی نوٹس دیا گیا۔
مگر کوئی جواب موصول نہ ہوا۔ مذکورہ کے والد کو مطلع کیا گیا۔

جو کہ راضی نامہ کرنے کی کوشش کر رہے ہیں۔ عدلہ ۱۵۰۵ میں
مذکورہ کے خلاف کارروائی رہو ہو شکی بھی ممکن ہو چکی ہے۔

جو کہ خان برہنہ کر حاضر نہیں۔ آ رہا ہے۔ پھر انکوائری چارج پورہ
معمود مناسب حکم ارسال ہے

DSP-EF-Haryal. 20/06/13

SUMMARY OF ALLEGATIONS

I, Muhammad Iqbal, Deputy Commandant Elite Force Khyber Pakhtunk
Peshawar as competent authority, am of the opinion that Constable Abubakkar No. 4002
Company No. 31 has rendered himself liable to be proceeded against as he has committed the
following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th
January 1976).

SUMMARY OF ALLEGATIONS

He was involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City,
district Hangu. Also he remained absent from duty without any leave or prior permission
w.e.from 12.05.2013

2. For the purpose of scrutinizing the conduct of the said accused with reference to
the above allegations Mr. Hashmat Ali Shah SP Elite Force Kohat is appointed as Enquiry
Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the
accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the
Enquiry Officer.


(MUHAMMAD IQBAL)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 7013 -17 /EF, dated Peshawar the 14 /05/2013.

Copies to:

1. Superintendent of Police, Elite Force Kohat.
2. Office Superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Constable Abubakkar No. 4002, through reader SP/Elite Force Kohat.


(MUHAMMAD IQBAL)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

CHARGE SHEET

I, Muhammad Iqbal, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Abubakkar No. 4002, Company No. 31 of Elite Force as follows;

You were involved in case FIR No. 275, dated 13.05.2013 U/S 324/34 PPC PS City, district Hangu. Also you remained absent from duty without any leave or prior permission w.e.from 12.05.2013.


By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


(MUHAMMAD IQBAL)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

موروثی

تقارن 56 روز نایم 5/12

موروثی غنیمت حاضری انور کمال 3238 ایڈیٹورس آفیس 5/12 وقت 06:40

کامپلٹ البوکر 4002 کینی 31 المیر جس ڈپوٹی

کسیلے احاطہ لورین لائن میں طلب کیا گیا کافی ملازم
کے بار وجود عدم وجود تا کہ صحتی خلاف رپورٹ

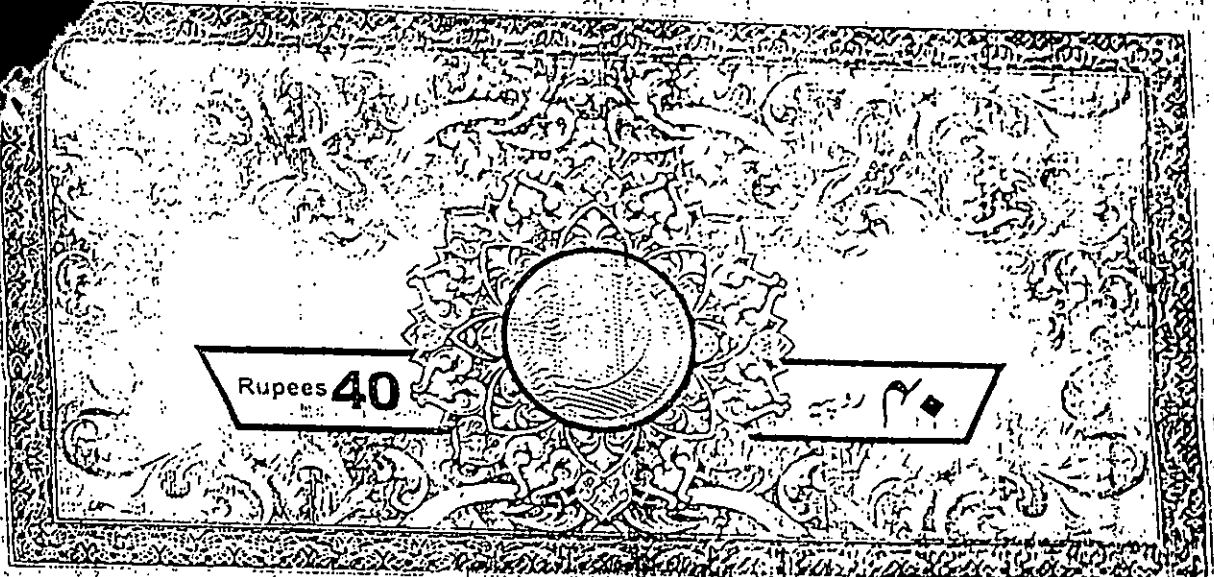
غنیمت حاضری درج روز نایم کیلئے فاضل عالی

مذکورہ بالا

Handwritten signature

H/EF

14.5.13



اقرار نامہ نمبر

مایا لکھ - محمد زبیر دکن کے رحمان سکسہ حیات آباد سٹیٹو ٹیبلٹ پلانٹ کے فرسٹ ادل
عبداللہ شاہ دکن حکیم شاہ سکسہ ...

پرتھوہ بن اربھن کے مابین تنازعہ اراضی ہر دو کے اقرار نامہ
رضیتہ 2493 قرضہ 24 2/10 سے ایشیائی دسٹری بیوٹس پلانٹ
اصنافی سر جوہر سائنس گنہیا نوٹ کے سے فرسٹ ادل سے فرسٹ ادل
تنازعہ اراضی کے بارے میں سے چلا اراضی - جرگہ جانا کھان سے ڈی ایچ ایٹو
پہلے سے فرسٹ ادل سے ایک دفعہ کوئی تھا - جوگہ جانا کھان
فرسٹ ادل سے فرسٹ ادل سے بارہ فرسٹ ادل - 11 - 1/4 کے حساب سے پتہ 12/1000

پتہ 12/1000 سے فرسٹ ادل سے 529000 پاکستانی روپے سے
ارضی فرسٹ ادل سے 4578 کھان سے 115 کھان سے 3267 جرگہ والوں عبداللہ شاہ

کود سے دبا دلوں سے پتہ 12/1000 سے فرسٹ ادل سے 529000 روپے اور روپہ روپہ سے
سائے محمد زبیر سے جمع وصول کیا - پتہ عبداللہ شاہ فرسٹ ادل سے

ادو ...

محمد زبیر فرسٹ ادل	عبداللہ شاہ فرسٹ ادل	محمد زبیر فرسٹ ادل	عبداللہ شاہ فرسٹ ادل
14101-7023246-5	42401-0866554-5	14101-7023246-5	42401-0866554-5
فرسٹ ادل سے	فرسٹ ادل سے	فرسٹ ادل سے	فرسٹ ادل سے

14101-7149155-2

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 94/2014

Abubakar Ex. Constable No. 4002, Company No.31, Elite
Force Bannu.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa, Peshawar &
others.

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully submitted:

ON PRELIMINARY OBJECTIONS:

- 0 7
13.01.17
- a. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of Dismissal from service hence he has got the necessary cause action to file the instant appeal.
 - b. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable in its present form.
 - c. Contents incorrect and misleading all necessary parties are arrayed in the instant appeal.
 - d. Contents in correct and misleading no rule of esstople is applicable in the instant case.
 - e. Contents incorrect and misleading, the instant appeal has been filed well within the prescribed period of limitation.
 - f. Contents incorrect and misleading the appellant has come to the court with clean hands.

ON FACTS

1. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
2. Contents of Para-2 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading. Moreover the appellant was falsely implicated in the criminal case and it was due to his false implication in criminal case and continuous threats to his life that he was compelled to went into hiding along with his family. Moreover the proposition regarding past bad entries on charges of absence though not communicated to the appellant, however being past and closed transaction at this stage cannot be made ground to justify the action against the appellant. Moreover the referred Annexure A is not attached with the reply.
3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-4 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading. Moreover Annexure E referred in the reply is not attached.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
10. Contents of Para-10 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

077
13.09.11

11. Contents need no reply, however contents of para-11 of the appeal are true and correct.

12. Contents of Para-12 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.


GROUND


The Grounds (A to L) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

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


Appellant

Through


IJAZ ANWAR
Advocate, Peshawar.

&

SAJID AMIN
Advocate, Peshawar.

0 7
13.09.15

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 94/2014

Abubakar Ex. Constable No. 4002, Company No.31, Elite
Force Bannu.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa, Peshawar &
others.

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

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ON PRELIMINARY OBJECTIONS:

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- c. Contents incorrect and misleading all necessary parties are arrayed in the instant appeal.
- d. Contents in correct and misleading no rule of esstople is applicable in the instant case.
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- f. Contents incorrect and misleading the appellant has come to the court with clean hands.

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3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-4 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading. Moreover Annexure E referred in the reply is not attached.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
10. Contents of Para-10 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

11. Contents need no reply, however contents of para-11 of the appeal are true and correct.

12. Contents of Para-12 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

GROUNDS

The Grounds (A to L) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

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

Appellant

Through

IJAZ ANWAR

Advocate, Peshawar.

&



SAJID AMIN

Advocate, Peshawar.

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal:

Deponent

FOX
Appellant
Abobakar

1993 P L C (C.S.) 308

[Federal Service Tribunal]

Before Ch. Hasan Nawaz and Muhammad Ismail Members

ABBAS ALI

versus

THE EXECUTIVE ENGINEER (E) WAPDA, LAHORE and another

Appeal No. 349(L) of 1988, decided on 5th May, 1992.

(a) Service Tribunals. Act (LXX of 1973)---

---S.4- Appeal---Limitation---Condonation of delay---Disciplinary proceedings as also order of dismissal from service suffering from irregularities giving to the root of the matter---Impugned order of removal from service was, thus, a nullity in the eye of law---No limitation against a void order---Appeal was competent in circumstances.

(b) Civil Service-

----- Dismissal from service---Impugned order of dismissal dated 11-1-1987 showed that civil servant was dismissed from service with effect from 1-11-1985, the date on which he was alleged to have absented himself from duty without leave---Validity---No executive order could be made to operate with retrospective effect---Order of dismissal could be made to operate with effect from 11-1-1987, when it was passed by competent Authority---Impugned order had brought about a material irregularity which could not be rectified---Order of dismissal was therefore, not warranted by law.

(c) West Pakistan Water and Power Development Authority Employees (Efficiency and Discipline) Rules, 1978---

-----Rr. 5 & 8---Provisions of R. 8(b), Government servants (Efficiency and Discipline) Rules, 1973 pressed into service in dismissing civil servant---Validity---Nothing was brought on record to show that it was not reasonably practicable to give civil servant opportunity of showing cause against proposed action---Civil servant having rejoined office on 28-12-1986, he could easily be afforded opportunity to show-cause against his dismissal from service. Procedure adopted by competent Authority being full of material irregularities, same could not be defended especially when civil servant was not provided with opportunity to defend himself.

Willful absence?

G.P. 2011 PLCLCS 1990

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1790 /ST

Dated 18 / 11 / 2015


To

The Deputy Commandant,
Elite Force,
Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 16.11.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.