Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1064 /**2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2022	The appeal of Mr. Raziq Khan resubmitted today by Mr. Afrasiab Khan Wazir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	4-7-22	This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on 6-7-22. Notices be issued to appellant and his counsel for the date fixed. CHAIRMAN
	6th July, 2022	Learned counsel for the appellant present and seeks time to prepare the case. Last opportunity is granted. To come up for preliminary hearing on 08.09.2022 before S.B. (Kalim Arshad Khan) Chairman

The appeal of Mr. Raziq Khan Ex-Constable Belt No. 1889, son of Islam Ud Din r/o Main Patai Distt. Kurram received today i.e. on 14.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-A is incomplete which may be completed
2- Annexures-A & C of the appeal are illegible which may be replaced by legible/better one.

No. 1690 /S.T,

Dt. 15/6 /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv. Pesh.

R/Sheweth

① - Anx-A, is requested repeatedly to the department to provide me appointment order of the appellant but still they have not provided me appointment order of the appellant.

② - Anx-C is replaced by better one.

Hence the re-submitted today Dated. 28/6/2022

2. The Major Penalty of dismissal from service may be imposed upon him in the light of findings points 1,2,3 and 4.

3. The SOPs for dealing with complaints/raids and traps by Anti-corruption Wing issued by FIA shall be looked/considered for effective actions against the alleged government servants.

09. We deem it appropriate to confine ourselves only to the charge of willful absence of the appellant as the charge of engineering the criminal proceedings by the appellant against his superior officer and resultant actions thereof appear to us to be bit irrelevant or for that matter those may be premature as criminal proceedings are yet to be concluded. It is also because of the action taken by an officer against the subordinate for a criminal case lodged against the said officer, may be a reason for biasness of the authority. Yes we will be quite safe to take up the charge of absence of the appellant. It is in this regard observed that not only an enquiry was held but also the procedure under Rule-9 of the Government Servants (Efficiency & Discipline) Rules 2011 fully adopted by issuing notices to the appellant and publication of the notices in the newspapers but he did not report for his duty ~~after issuance of notices and publication of the notices in the newspapers~~. It is admitted by the appellant's counsel during the course of arguments that the appellant remained absent for the period alleged in the charge sheet and there is no explanation given by him to exonerate him from such charge. A flimsy stance has also been taken by the appellant that he ~~has~~ was not aware ~~by~~ of his posting order a stance which

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1064 /2022

RAZIQ KHAN **VS** **POLICE DEPTT:**

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APPELLANT

THROUGH:
AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

OFFICE:
Room No.6 Ground Floor, Afridi Tower,
Government College Chowk, Faqir Abad,
Peshawar City.
Mobile No: 0312-9888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO._____/2022

Mr. Raziq Khan, Ex-Constable , Belt No.1889,
S/O Islam Ud Din R/O Main Patai, District Kurram.
.....**APPELLANT.**

VERSUS

1- The Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2- The Deputy Inspector General of Police, Kohat Region, Kohat
3- The Regional police Officer, Kohat Region District Kohat.
4- The District Police Officer, District Kurram.
.....**RESPONDENTS.**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 22.06.2020 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE AND AGAINST NO ACTION TAKEN ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STITUTORY PERIOD.

PRAYER:-

That on acceptance of this appeal the impugned order dated 22.06.2020 may very kindly be set aside and the appellant be re-instated into service with all back benefits. And any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:
ON FACTS:

Brief facts arising the present appeal are as under:-

1- That the appellant was appointed in the respondent department as Spoy in 2012 in Levies & Khasadar now constable and since his appointment he performed his duties quiet efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....**A.**

2- That after appointment, the appellant embarked on performing his duties with full devotion since 2012 and till dated no any kind of

allegation of were leveled against the appellant having very good service record.

3- That where-after the appellant was attached as gunner with Ex-Senator Mr. Rashid Ahmed Khan for his protection and in the meanwhile the Levies & Khasadar were merged in the police department due to merger.

4- That where-after the merger, astonishingly the commandant Kurram levies & khasadar now respondent No.4 issued impugned order dated 22.06.2020 whereby the appellant was awarded major penalty of dismissal from service while the appellant was on duty with abovementioned Ex-Senator. Copy of the Impugned order dated 22.06.2020 is attached as annexure.....**B.**

5- That the appellant when came to know about his dismissal, he approached to Ex-senator who wrote an application to the respondents for his reinstatement but no heed was paid by the respondents. Copy of the applications are attached as annexure.....**C.**

6- That the appellant feeling aggrieved against the impugned order dated 22.06.2020 preferred multiple representation to the appellate authority which are pending till dated. Copy of the representation are attached as annexure.....**D.**

7- That the appellant further feeling aggrieved and having no other remedy but to file this instant service appeal on the following grounds inter alia.

ON GROUNDS:

A- That issuance of the impugned order dated 22.06.2020 by the respondent is against law, facts, norms of natural justice and material on record hence liable to be set aside.

B- That the appellant has not been treated by the respondent in accordance with law and rules and as such respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the respondents acted sheer in arbitrary and mala fide manner while issuing the impugned order dated 22.06.2020 hence impugned

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO._____/2022

RAZIQ KHAN **VS** **POLICE DEPTT:**

APPLICATION FOR CONDONATION OF DELAY IN FILING THE ABOVE NOTED APPEAL

R.SHEWETH:

1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.

2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUNDS OF APPLICATION:

A- That the valuable rights of the appellant are involved in the case hence the appeal deserve to be decide on merit.

B- That it has been the consistent view of the Superior Courts, that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2002 PLC C.S 1388, 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

C- That the appellant service is more than 7 years and was performing his duty i.e attached as gunner with ex-senator when he was dismissed from service vide impugned order dated 22.06.2020 by the respondents.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

RAZIQ KHAN

THROUGH:

AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT

Ax-A-(6)

111.	Wakil Khan	Mira Jan	Khwajak	Gandaw
112.	Muhammad Zahid	Muhammad Hadi	Khwajak	Said Karam
113.	Abdul Qayum	Ajmal Khan	Khwajak	Otaki
114.	Javed Khan	Pattan	Parachamkani	Kani Kot
115.	Razig Khan	Islam Din	Parachamkani	Serak
116.	Muhammad Taib	Jabeen Khan	Alisherzai	Langrow
117.	Fazal Malik	Nawab Khan	Alisherzai	Shamkhai
118.	Rauf	Essa Khan	Alisherzai	Kotkai
119.	Abdul Muheed	Mir Ajab Khan	Alisherzai	Shamkhai
120.	Rauf Khan	Hussain Khan	Alisherzai	Kotkai
121.	Mehboobullah	Fazal Moeen	Alisherzai	Marghan
122.	Gul Rehman	Shamal	Alisherzai	Donga
123.	Abdul Shaheed	Nasar Khan	Khoidad Khel	Chinarak
124.	Qabil Muhammad	Jan Muhammad	Alisherzai	Manato
125.	Naib	Muzaffar Khan	Alisherzai	Langrow
126.	Seraj	Sahib	Alisherzai	Langrow
127.	Muhammad Zaman	Rajab Din	Alisherzai	Langrow
128.	Saeed Ullah	Itbar Shah	Alisherzai	Langrow
129.	Noor Sharif	Hameed Khan	Alisherzai	Shamkha
130.	Noor Asghar	Oli Khan	Massozai	Tindo
131.	Muhammad Sadiq	Yousaf Khan	Massozai	Zara Mela
132.	Zabit Khan	Rehmat Shah	Massozai	Badama
133.	Muhammad Umer	Bahadur Khan	Massozai	Badama
134.	Muhammad Ilyas	Saleh Khan	Massozai	Badama
135.	Muhammad Ilyas	Noor Bad Shah	Massozai	Badama
136.	Noor Ahmad	Usman Khan	Massozai	Warasta Mela
137.	Muhammadi Khan	Awal Khan	Massozai	Jawdara
138.	Abdullah	Gul	Massozai	Badama
139.	Muhammad Umar	Bahadar	Massozai	Badama
140.	Sargeen Marjan	Nasrullah Khan	Mundan	Narai
141.	Mamoor Khan	Gul Rehman	Manatwal	Manato
142.	Mujahid Khan	Nabat Khan	Manatwal	Gowaki
143.	Abdul Karim	Abdur Rehman	Manatwal	Jelaya
144.	Said Ali Shah	[illegible] Shafiq	Haji Khel	Arghenja Lattai
145.	Waheed Gul	[illegible]	Parachamkani	Gondal
146.	Muhammad Noor	[illegible]	Chamkani	Takhtai
147.	Abdul Khanan	[illegible]	Hani Khel	Angorai
148.	Hafiz ud Din	[illegible]	Chamkani	Sarak
149.	Sajid Rehman	Nasir Khan	Haji Khel	Angorai
150.	Aqayar ul Haq	Aziz	Haji Khel	Angorai

a) They will [illegible] h and a [illegible]ficates from Medical Superintendent (AHQ) Hospi[illegible]ar.

b) They will remain on probation for one year and in case of failure in the required standard of duty and skill and discipline, they will be terminated from service forthwith.

c) Annual increment will be admissible on the completion on one year service.

d) Allowances are admissible as per Government Rules.

e) Leave, TA/DA and Medical Allowances are admissible as per Govt: Rules.

f) [illegible]dent Fund, same facilities as admissible to the other Govt: Servants.

Political Agent, Kurram.

OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUBKHWA
Tel/Fax:0926-311354*Email:policekurram@gmail.com
No...347-51.....Dated Parachinar...22-6-2020.

Anx-B-(7)

OFFICE ORDER.

In pursuance of Home and Tribal Affairs Department Khyber Pakhtunkhwa letter No.SO (Police) HD/SMY 2019 Merged Area/826-28. dated:- 20/05/2020, the following Levies Personnel did not appear before, the scrutiny committee held on 12/06/2019 & 26/04/2020, despite repeated summons/ notices, the local police informed that these personnel are either abroad or not interested in the police job after the merger of FATA with KP. They also failed to appear before, the undersighned after public notice in Urdu newspapers on 12/06/2020. They are thus hereby summarily dismissed from service under Levies Regulations and Service Rules 2013 with immediate effect.

S.N.	P. No.	Rank	Name	Parentage	Caste
1.	672258	Levy Sepoy	Shabir Hussain	Muhammad Akber	Bangal
2.	672459	Levy Sepoy	Anwar Din	Walia Din	Mangal
3.	672555	Levy Sepoy	Abdul Raziq	Sher Muhammad	Bangasl
4.	672763	Levy Sepoy	Muhammad Tahir	Niaz Bahadar	Khoidadk
5.	50147464	Levy Sepoy	Muhammad Farid	Jan Muhammad	Khanikl
6.	50189557	Levy Sepoy	Abdul Hameed	Muhamad Yaqub	Misc.
7.	672671	Levy Sepoy	Wajid Hussain	Sharif Hussain	Bangas
8.	672802	Levy Sepoy	Raziq Khan	Islam Din	Chamk
9	667239	Levy Sepoy	Wali Khan	Mera Jan	Khwaja
10.	50154141	Levy Sepoy	Muhammad Noor	Haji Sakhi	Mangal
11.	50212666	Levy Sepoy	Hamid Rehman	Noor Janan	Masoza
12.	50260378	Levy Sepoy	Arshad Alam	Salam Khan	Watizai

19.06.2020

Commandant,
Kurram Levies & Khassadar,
District Police Officer, Kurram

No. & date is even.
Copy forwarded to:-

1. Regional Police Officer, Kohat Region, District Kohat.
2. Deputy Inspector General Headquarter CPO, Peshawar.
3. Section Officer, (Levy & Khassadar) Home & TAs Deptt: Peshawa with reference to his letter No.SO (Police) HD/SMY 2019 Merge Area/826-28. dated:- 20/05/2020.
4. District Accounts Officer, District Kurram, Parachinar.
5. Pay Officer, District Police Kurram.

19.06.2020

Commandant,
Kurram Levies & Khassadar,
District Police Officer, Kurran

(8)-2

(9)

[illegible]

[illegible]

[illegible]

Rashid Ahmed Khan

Ex-Minister.

بخدمت جناب ڈپٹی انسپکٹر جنرل صاحب کوہاٹ

Bellow copy - Anx - (C)

(8)

سابقہ سینئر رشید خان ولد طریف خان سکنہ کرم حال اسلام آباد

مقام -

سرکار -

درخواست برائے بحالی کنسٹیبل رازق ولد اسلام الدین
برک نمبر 1889 بمدمعہ شاملہ

جناب عالی! سابقہ سینئر حسب ذیل عرض رساں ہے -

(1) یہ کہ سائل سابقہ گن مین مسمی رازق ولد اسلام دین سکنہ کرم کو جناب
ڈپٹی سابقہ پولیٹیکل ایجنٹ صاحب جو کہ پیوی میں تعینات تھا
سپاہی تھا اپنے ساتھ رکھا گیا

(2) یہ کہ سپاہی رازق بعد میں محکمہ پولیس میں بھرتی ہو کر محکمہ پولیس
میں مذکورہ سپاہی نمبر 1889 تعینات ہوا تھا -

(3) یہ کہ سپاہی مذکورہ کرم ایجنسی میں سابقہ سینئر رشید خان کے ساتھ
گن مین کی ڈیوٹی سرانجام دے رہا تھا -

(4) یہ کہ مذکورہ سپاہی کو محکمہ پولیس نے غیر حاضر بطور کیا جبکہ اصل میں
مذکورہ سپاہی سابقہ سینئر کے ساتھ ڈیوٹی پر موجود تھا -

(5) یہ کہ بعد میں جناب DPO صاحب کرم نے مذکورہ سپاہی کو بموجب حکم 2/6/02
کو انکوائری کمیٹی نمبر 2435 کو بسبب غیر حاضری برخاست
کر دیا گیا

(6) یہ کہ مذکورہ سابق رازق خان سینئر وائس کانسٹیبل گھر نہیں گیا بلکہ سینئر کے ساتھ ڈیوٹی پر موجود تھا۔

(7) یہ کہ مذکورہ کانسٹیبل کو جناب DPO صاحب ضلع کرم نے غلط فہمی میں نوکری سے برخاست کیا ہے۔ جسکی وہ دوبارہ نوکری پر بحالی کی درخواست ہے۔

لہذا استدعا ہے کہ سابقہ پولیس کانسٹیبل رازق خان ولد اسلام الدین سکنہ پاڑہ چمکنی حال پی صدر ضلع کرم کی غریبی کو مدنظر رکھتے ہوئے درخواست ہذا پر بحال کرنے کا حکم صادر فرمایا جائے۔

Rasheed Ahmad Khan

D — (10)

To,

The DIG Kohat Range

Kohat.

Subject: **REQUEST FOR RE-INSTATEMENT IN SERVICE EX B-NO. 1889 CONSTABLE CONSTBLE RAZIQ OF DISTRICT KURRAM POLICE.**

R/Sir,

With due respect I beg to state that I was enrolled in Kurram Levy in the year 2012 and also served with great Zeal and Enthusiasm. Sir during my service when the FATA Were merged into KPK I was not having any information and was not informed by the concerned authorities to Join in District Police my duties.

That now, I have come to know that I have been terminated from my service due to absentee.

Sir I have no source of Income and is passing my Jobless life.

That in this inflation days I am facing financially hardship the whole family is expecting me contribution in their daily lives.

Therefore, I intend to request your honour for Re-instatement in service.

It is therefore, requested that my request may kindly be considered and instruction to this effect may kindly be issued to the concerned authority for my re-instatement in service.

I shall be ever praying for your long life and prosperity.

Thanking You Sir.

Dated: 10.06.2021

Yours Obediently RAZIQ

Ex Built No. 1889 Constable

Raziq

Son of Islam Ud Din

R/O Main Patai , District Kurram.

Mobile No. 0305-5583268

(11)

TO DIG Kurrum Agency

This is stated that Mr. **Raziq S/o Islamuddin,** EX Belt No 1889(Constable) Kurrum Agency has been dismissed from service on 19-05-2020.

I request you for the re instatement of above said constable.

I shall be thankful to you

RAZIQ 03055583268

10/8/20

RASHEED AHMED KHAN
Ex. Senator
~~03094888655~~
03094888655

(12)

بخدمت جناب ڈپٹی انسپکٹر جنرل صاحب آف پولیس کوہاٹ ریجن کوہاٹ

درخواست برائے بحالی سروس سراج کنسٹیبل رازق نمبر 1889

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل ایک غریب شخص ہے سائل کا اکلوتا بیٹا کنسٹیبل رازق نمبر 1889 سال 2012 میں محکمہ پولیس میں بحیثیت سپاہی بھرتی ہوا تھا۔

2. یہ کہ سراج نے دوران ملازمت افسران بالا صاحبان کو کسی قسم کی شکایت کا موقع نہ دیا تھا اور اپنے فرائض منصبی نہایت خوش اسلوبی سے سرانجام دے رہا تھا۔

3. یہ کہ سراج کو دوران ملازمت حسب الحکم پولیس چوکی میں تعینات کیا گیا تھا اور اپنے فرائض منصبی جناب سٹیشن صاحب شیر الملک خان کے ماتحت بطور سنٹری ڈیوٹی پر انجام دے رہا تھا۔

4. یہ کہ جب علاقہ شیر آدم کنسٹیبلز کو صوبائی حکومت نے علاقہ سرکار میں ضم کیا گیا اور قبل سروس میں بھرتی شدہ اہلکاران کو قبل پولیس میں ضم کیا گیا تھا اور سراج نے بھی پولیس شہر میں تبدیل کیا گیا تھا۔

5. یہ کہ بعد میں قبل پولیس اور سروس افسران نے سائل کا بیٹا بغیر کسی جرم کے غیر فعل پکڑ کر حوالات میں بند کر دیا اور جناب سٹیشن صاحب شیر الملک خان کے ماتحت ڈیوٹی پر موجودگی میں غیر حاضری کا بہانہ کر کے ملازمت سے برخاست کیا گیا جبکہ ماتحت دیگر کافی کنسٹیبلز بھی غیر حاضری پر بھی موجود تھے مگر صرف سراج کا حکم جاری ہوا تھا۔ اندریں بارہ سٹیشن صاحب بالا بھی بخوبی واقف ہیں۔

6. یہ کہ سائل کے بیٹا کے ماتحت دیگر کنسٹیبلز نے متعلقہ افسران کے سامنے سراج کو شامل کر کے ملازمت پر بحال کرنے کی درخواست کی تھی اور اپنے اپنے بیانات پر دستخط کیے تھے جس پر کافی کنسٹیبلز نے دوبارہ ملازمت پر بحال ہو کر اپنی ملازمت پر ڈیوٹی سرانجام دے رہے ہیں۔

سیرام کا درخواست / اپیل کو قبل پولیس دفتر ضلع کرم میں شفاف کی غفلت / [illegible]
پیش کیا گیا تھا جس کی وجہ سے سائل کا بیٹا برسوں سے ملازمت سے محروم چلا آ رہا ہے

⑤ یہ کہ سائل بھی ضعیف العمر ہے اور اکثر بیمار رہتا ہے اور سیرام دو بچوں کا باپ ہے، اور محنت مزدوری کے سوا دیگر کوئی ذریعہ معاش نہیں ہے۔ چونکہ یہ سائل بھی موجودہ گرانی اور مہنگائی کے باعث مزدوری کے قابل نہیں ہے اور موجودہ مہنگائی کی وجہ سے سائل اور دیگر اہل خانہ بشمول سیرام کے بال بچوں کو غربت، افلاس اور دو جار ہیں۔

⑥ یہ کہ سیرام زیادہ تر بیرون ملک مقیم ہے۔ اور اکثر اخراجات سیرام کے ذمہ ہیں اور اس کے بیوی بچے بے روزگار اور مہنگائی کی وجہ سے تمام اہل خانہ شدید پریشانیوں کا شکار ہیں اور سائل اکثر بیمار رہتا ہے۔ اور سائل کی ملازمت کے بحال نہ ہونے کی وجہ سے گھر کا خرچہ چلانا دشوار ہو چکا ہے اور زندگی پریشان ہے۔

لہٰذا استدعا ہے کہ سائل اور سائل کے دیگر اہل خانہ بشمول سیرام کے غربت اور بے روزگاری کو مدنظر رکھتے ہوئے سائل کی اپیل درخواست منظور فرما کر سائل کا بیٹا سیرام رازق نمبر 1885 ضلع کرم ہے دوبارہ اپنی ملازمت پر بحال کرنے کا حکم صادر فرمایا جائے تاکہ سائل اور دیگر اہل خانہ کا چولہا گرم رہے۔

سائل

سیف نواز شیخ

4/5/2022

21301-7338484-1
0305 5583266

[illegible]

ایسا تابعدار شہری سائل سلام الدین مدعی مقدمہ ہے کہ [illegible] ضلع کرم

(14)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

_____ OF 2022

(APPELLANT)
RAZIQ KHAN (PLAINTIFF)
(PETITIONER)

VERSUS

(RESPONDENT)
POLICE DEPTT (DEFENDANT)

I/We RAZIQ KHAN
Do hereby appoint and constitute **AFRASIAB KHAN WAZIR, Advocate, 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._____/_____/2019

رازق

CLIENT(S)

ACCEPTED
AFRASIAB KHAN WAZIR
&
NAZUR REHMAN MEHSOOD,
ADVOCATES

OFFICE:
Room No.6 Ground Floor, Afridi Tower,
Government College Chowk, Faqir Abad,
Peshawar City.
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