

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 974/2018

Date of Institution ... 07.08.2018

Date of Decision ... 06.01.2020

Mr. Imtiaz Ahmad, Ex-Head Constable (No. 147), O/O the Capital City Police Officer, Peshawar. ... (Appellant).

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and two others. ... (Respondents)

Present.

Mr. Mir Zaman Safi, Advocate. ... For appellant

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant service appeal has been preferred against the order dated 23.04.2012 passed by respondent No. 3, whereby, the appellant was awarded the penalty of dismissal from service on account of his conviction in a case registered under Section 9-CNSA. A prayer for setting aside of the impugned order, with alternative prayer for conversion of penalty into compulsory retirement, has been made in the memorandum of appeal.



2. Learned counsel for the appellant heard and available record gone through.

Learned counsel, at the outset, relied on judgments reported as 2008-PLC(C.S) 1072 and 2004-PLC(C.S) 677 and contended that the case of appellant was worth-consideration for conversion of penalty into that of compulsory retirement instead of dismissal as he had already put in more than ten years of service before his implication in the criminal offense.

3. As per record, the appellant was arrested on 29.09.2010 in a case registered under Section 9-CNSA vide FIR recorded at District Lahore. A recovery of 40.800 K.Gs Chars and 24.800 K.Gs opium was effected from the appellant at Circular Road near Data Darbar, Lahore. On 03.01.2012, the appellant was convicted by a court of competent jurisdiction while his punishment was partially modified by the Apex Court through judgment dated 26.03.2018. He preferred a departmental appeal on 25.04.2018 which remained un-responded.

Admittedly on one hand, the appellant was convicted for the offense as noted hereinabove and, on the other, did not care to prefer any departmental appeal for more than six years. The impugned order was passed on 23.04.2012 after his conviction on 03.01.2012 which was upheld all along. The judgments relied upon by learned counsel are not attractable to the facts and circumstances of the case of appellant as in the former the official involved had failed to ensure the loading of proper material on the truck, as per delivery order, while in the later case the only ground of dismissal from service of appellant therein was absence from duty.

4. In view of the above and finding no exception to the impugned order dated 23.04.2012, the appeal in hand does not deserve admission for

regular hearing. The same is dismissed in limine. File be consigned to the record.

File be consigned to the record.



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
06.01.2020

11.10.2019

Petitioner alongwith counsel present.

Instant application is for restoration of Appeal No. 974/2018 dismissed for non-prosecution on 12.09.2019.

It is contended that the appellant, after restoration of his appeal on 31.07.2019, was given Parcha Peshi for 17.09.2019, however, the appeal was fixed for preliminary hearing on 12.09.2019.

The petitioner has produced the Parcha Peshi in original which affirms the contention of appellant. The application is, therefore, allowed and the appeal is restored to its original number. It shall come up for preliminary hearing on 12.11.2019 before S.B.


Chairman

22.11.2019

Counsel for the appellant present.

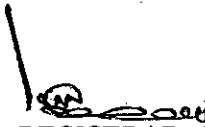

Learned counsel requests for further time to prepare the brief. Adjourned to 06.01.2020 for preliminary hearing before S.B.

Chairman 

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 345 /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.09.2019	<p>The application for restoration of appeal No. 974/2018 submitted by Mr. Noor Muhammad Khattak Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/9/19</p>
2	19/09/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>11/10/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

31.07.2019

Petitioner with counsel present.

Instant application has been preferred for restoration of appeal dismissed for non-prosecution on 18.03.2019. The record suggests that the petitioner applied for certified copy of the order on 16.04.2019 which was delivered on 26.04.2019 while the application in hand was submitted on 29.04.2019. The application is accompanied by another application for condonation of delay.

It is provided in restoration application that an incorrect date of hearing was noted by learned counsel for the petitioner in his diary and the same was communicated to the petitioner, therefore, the appellant/petitioner remained un-represented on the date the appeal was dismissed. The application is supported by a duly sworn affidavit by the learned counsel for the petitioner.

Regarding the delay in submission of application, learned counsel relied on judgment reported as 2001 SCMR 827 and contended that it was failure on his part in informing the petitioner regarding the correct date of hearing.

In view of the contents of the application and arguments of learned counsel, the application is allowed. The service appeal No. 974/2018 is restored to its original number which shall come up for preliminary hearing before S.B on ¹²07.09.2019.


Chairman

12.09.2019

Nemo for appellant.

It is already past 2.00 PM and no one is available to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.




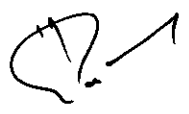

Chairman

Announced:
12.09.2019

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 199/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.04.2019	<p>The application for restoration of appeal No. 974/2018 submitted by Mr. Mir Zaman Safi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR <u>29/4/19</u></p>
2	30/04/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>27/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	27.05.2019	<p>Notice to petitioner/counsel for 24.06.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	24.06.2019	<p>Learned counsel for the petitioner present. The instant application for restoration of service appeal bearing No 974/208 974/208 seems to be time barred. Learned counsel for the petitioner seeks adjournment for proper assistance on the issue of limitation. Adjourn. To come up for further proceedings on 31.07.2019 before S.B</p> <p style="text-align: right;"> Member</p>

27.12.2018


Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 01.02.2019 before S.B.


Member

01.02.2019

Counsel for the appellant present and requested for adjournment.

Adjourned to 18.03.2019 for preliminary hearing before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.03.2019

Nemo for appellant.

It is now 3.25 P.M and the case has been called several times. Despite, no one is in attendance on behalf of appellant.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman.



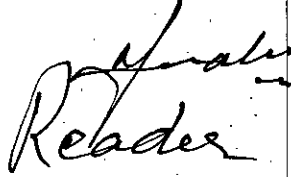
ANNOUNCED

18.03.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 974/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/08/2018	<p>The appeal of Mr. Imtiaz Ahmad presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	<p><i>9-8-2018</i></p>	<p style="text-align: right;">  REGISTRAR <i>7/8/18</i> </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <i>18-9-2018</i>.</p> <p style="text-align: right;">  CHAIRMAN </p>
8.09.2018		<p>Counsel for the appellant present and made a request for adjournment. Adjourned. Case to come up for preliminary hearing on 08.11.2018 before S.B.</p>
<i>8-11-2018</i>		<p><i>due to retirement of Honorable</i> <i>Member</i> <i>Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 27-12-2018</i></p> <p style="text-align: right;">  Reader </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 974 /2018

IMTIAZ AHMAD

V/S

POLICE DEPTT:

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1242

Dated 07-8-2018

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

..... APPELLANT

VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPOUNDED ORDER DATED 23.4.2012 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 23.4.2012 may kindly be set aside and the appellant may please be re-instated into service with all back benefit OR the punishment of dismissal from service may kindly be converted to compulsory retirement. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day

Registrar

7/8/18

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

1. That the appellant was the employee of the respondent Department and had served the respondent Department as Head Constable quite efficiently and up to the entire satisfaction of his superiors.
2. That during service the appellant was charged in case FIR No.91/10 dated 30.9.2010 U/S 9(c), 15 CNSA and was taken

in to custody by the ANF Lahore. Copy of the FIR is attached as annexure **A.**

3. That having being involved in the criminal case the appellant was placed under suspension with effect from 27.9.2010 vide order dated 24.5.2011 and as such an inquiry officer was appointed to conduct the departmental inquiry. Copy of the order dated 24.5.2011 is attached as annexure **B.**
4. That after the conclusion of trial the learned trial Court convicted the appellant and was sentenced for life imprisonment under 9(c) of the CNSA. Copy of the judgment dated 03.01.2012 is attached as annexure **C.**
5. That feeling aggrieved from the said judgment the appellant challenged the judgment of the trial Court and High Court before the August Supreme Court, whereby, the Apex Court partially allowed the appeal and set aside the conviction and sentence awarded by the courts below and the appellant was convicted for an offence under section 9(b) of CNSA. Copy of the judgment dated 26.3.2018 of the apex court is attached as annexure.....**D.**
6. That in the meanwhile the appellant was in jail an ex parte enquiry was conducted against the appellant and on the basis of the judgment of the trial court the appellant was dismissed from service vide impugned order dated 23.4.2012 w.e.f the date of conviction i.e. 03.01.2012. Copy of the impugned dismissal order is attached as annexure.....**E.**
7. That after release from jail the appellant submitted Departmental appeal but no action has been taken within the stipulated period. Copy of the departmental appeal is attached as annexure.....**F.**
8. That after waited for the stipulated period of three months, the appellant preferred the instant appeal on the following grounds amongst others.

GROUND:

- A- That the impugned dismissal order dated 23.4.2012 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

- C- That the respondents acted in arbitrary and mala fide manner while issuing the impugned dismissal order of the appellant.
- D- That the respondents dismissed the appellant in a hasty manner as the appeal against conviction was pending before the august Supreme Court of Pakistan.
- E- That no charge sheet and statement of allegation has been served against the appellant while issuing the impugned order dated 23.4.2012.
- F- That no show cause notice has been issued nor chance of personal hearing has been provided to the appellant before issuance of the impugned order dated 23.4.2012.
- G- That no regular inquiry has been conducted against the appellant which is as per Supreme Court judgments is necessary in punitive actions against the Civil servant.
- H- That appellant has been discriminated on the subject noted above and as such the impugned order dated 23.4.2012 is not tenable in the eyes of law.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 01.08.2018

APPELLANT


IMTIAZ AHMAD

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

OFFICE OF THE

SUPERINTENDENT OF POLICE,
WELFARE & PQR KHYBER PAKHTUNKHWA,
PESHAWAR.

Phone: 091-9210917

پشاور
مبارک
خدمت

B-5

ORDER

Having being involved in case FIR 91/10 dated 27/09/2010 U/S 9C15, CRCA/1997 PS ANF Lahore. HC Imtiaz Ahmad is hereby placed under suspension W.E.F 27/09/2010. During suspension he will draw pay and usual allowances under the existing Rules.

SI Ashraf Khan is hereby appointed as an Inquiry officer to conduct departmental inquiry into the matter and submit his finding at the earliest.

[Signature]

SUPERINTENDENT OF POLICE,
WELFARE & PQR KHYBER PAKHTUNKHWA
PESHAWAR.

No. 851 /W

Dated: 24/5 /2011

ATTESTED

[Signature]

IN THE COURT OF MUHAMMAD AZHAR CHAUDHTY,
JUDGE, SPECIAL COURT CONTROL OF NARCOTIC SUBSTANCES,
LAHOR

The State

vs

Imtiaz Khan & other.

Case FIR No. 91/10 dated 29.09.2010, PS ANF Lahore
U/Section 9(c) of Control of Narcotic Substances Act, 1997.

JUDGMENT

Imtiaz Khan S/O Sohbat Khan, Caste Mehmand r/o Chajo Khel, Mathani, Tehsil & District Peshawar, Zafar Khan s/o Gul Rehman Caste Mehmand r/o Chajo Khel, Mathani Tehsil & District Peshawar have been sent up by PS ANF, Lahore for facing trial in case FIR No. 91/10 registered at the complaint of Nouman Ghous SI.

2. According to complaint Ex: PG and FIR Ex: PI, high ups of ANF department received information that Imtiaz Khan and Zafar Khan accused, facing this trial will reach date Darbar on cab No. MNU-4056, to supply narcotic to their customers on 29.09.2010. On this information a raiding party comprising Nouman Ghous, Tanzeem Sarwar Sis, and other ANF officials in supervision of Sahib Khan AD, reached Date Darbar. At about 07.15 p.m. above said car came from Minar-e-Pakistan side, where that car was got stopped on the pointation of informer. Imtiaz Khan was driving that car and Zafar Khan was on front seat. Husna and Maria two minor girls, were on rear seat. On inquiry about narcotics Imtiaz Khan Zafar Khan presented 5/5 packets of charas each from their feet's weighing 6 kgs each. On further inquiry, Imtiaz Khan got recovered 24 packets of charas from the secret cavities of four door's of the car weighing 28:800 kgs and Zafar Khan got recovered 21 packets of opium from back seat of the car weighing 24:800 kgs. Nouman Ghous SI/I.O after completion necessary proceedings, sent the complaint Ex.PG to PS for registration of case. Resultantly case FIR No.91/10 Ex.PI was registered U/S 9(c) of CNSA, 1997. In investigation both the accused were found guilty of dealing in narcotics, so their challan was submitted for trial.

3. The accused were charge sheeted by my leaned predecessor vide order dated 22.12.2010 U/S 9(c) of CNSA. They denied the charge, therefore, evidence of prosecution was summoned.

B B

T

B B

T

B

BETTER COPY OF ANNEXURE.....C

IN THE COURT OF MUHAMMAD AZHAR CHAUDHRY
JUDGE, SPECIAL COURT CONTROL OF NARCOTIC SUBSTANCES,
LAHORE.

C-6

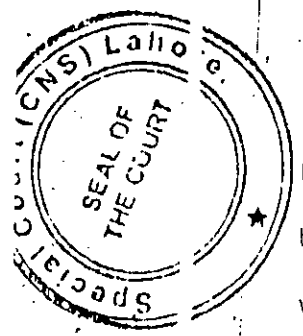
The State Vs. Imtiaz Khan and other.
Case FIR No.91/10 dated 29.09.2010 PS ANF Lahore.

U/section 9(c) of Control of Narcotic Substances Act, 1997.

JUDGMENT

Imtiaz Khan s/o Sohbat Khan, Caste Mehmand r/o Chajo Khel, Mutahni, Thesili & District, Peshawar, Zafar Khan s/o Gul Rehman, Caste Mehmand, r/o Chajo Khel, Mutahni Tehsil & District, Peshawar, have been sent up by PS ANF, Lahore for facing trial in case FIR No.91/10 registered at the complaint of Nouman Ghous SI.

2. According to complaint Ex:PG and FIR Ex:PI, high ups, of ANF department received information that Imtiaz Khan and Zafar Khan accused, facing this trial, will reach Data Darbar on car no.MNU-4056, to supply narcotic to their customers on 29.09.2010. On this information a raiding party, comprising Nouman Ghous, Tanzeem Sarwar SIs, and other ANF officials in supervision of Sahib Khan AD, reached Data Darbar. At about 07.15 p.m, above said car came from Minar-e-Pakistan side, where that car was got stopped on the pointaition of informer. Imtiaz Khan was driving that car and Zafar Khan was on front seat. Husna and Maria, two minor girls, were on rare seat. On inquiry about narcotics, Imtiaz Khan and Zafar Khan presented 5/5 packets of charas each from their feets, weighing 6 kgs each. On further inquiry, Imtiaz Khan got recovered 24 packets of charas from the secret cavities of four doors of the car, weighing 28.800 kgs, and Zafar Khan got recovered 21 packets of opium from the back seat of the car, weighing 24.800 kgs. Nouman Ghous SI/1.0, after completion necessary proceedings, sent the complaint Ex:PG to PS for registration of case. Resultantly, case FIR No.91/10 Ex:PI, was registered U/S 9(c) of CNSA, 1997. In investigation both the accused were found guilty of dealing in narcotics, so their challan was submitted for trial.



ATTESTED

[Signature]

Attested True Copy

[Signature]
Head Reader Special Court (CNS)
LAHORE

3. The accused were charge sheeted by my learned predecessor vide order dated 22.12.2010 U/s 9© of CNSA. They denied the charge, therefore evidence of prosecution was summoned.

4. Prosecution examined 3 witnesses. Muhammad Saleem PW-1 is a formal witness. He stated that on 01.10.2010 he was handed over 34 sealed sample parcels said to contain charas and 21 sealed sample parcels of opium for their delivery in the office of chemical examiner and he delivered those parcels, same day, intact.

5. Nouman Ghous, PW-2, stated that on 29.09.10, high ups of department received information that Imtiaz Khan and Zafar Khan, accused facing this trial, deals in narcotics and will come to Circular Road, Lahore, near Data Derbar in Mehrari Suzuki MNU-4056. On this information, a raiding party including himself, Tanzeem Sarwar SI, Imtiaz Ahmad C, Irfan sepoy and other ANF officials in supervision of Sahib Khan AD, reached the above said place, at 6.45 p.m alongwith informer. From the side of Minar-e-Pakistan to Data Derbar, at about 7.15 p.m. above said car came. On the pointation of informer, it was stopped. There were two men and two girls in the car. Imtiaz Khan, accused, was on driving seat and on the front seat, Zafar Khan, both facing this trial were sitting. The minor girls sitting on the back seat, were Husna and Maria. On inquiry about narcotics, Imtiaz Khan and Zafar Khan presented 5 packets of charas each lying in their feet. On further inquiry about narcotics, Imtiaz Khan accused got recovered 24 packets of charas from the door of the car, and Zafar Khan, got recovered 21 packets of opium from the back seat of that car. He separated 10 gms charas from each packet, converted the same into sealed parcels, whereas remaining charas P-1 was converted into sealed parcel and he took the same in possession vide memo Ex.PA signed by Tanzeem Sarwar and Imtiaz Ahmad C. 24 packets got recovered by Imtiaz Ahmad Khan were weighed and total charas was 28.800 kgs. He separated 10 gms charas from each packet and prepared 24 sealed sample parcels. Remaining 28.800 charas P-2 was also converted into sealed parcels and he took the same in possession

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Muhammad Azhar Chaudhary
Special Court,
Lahore



ATTESTED (Attested True Copy)

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vide memo Ex.PB, signed by the above said witnesses. On weighing 5 packets of charas recovered from Zafar Khan, it was also 6 kgs. He separated 10 gms charas from each packet and prepared sealed sample parcels. The remaining charas P-3 was also converted into sealed parcel. He took the same in possession vide memo Ex.PC, signed by the above said witnesses. Recovered opium at the pointation of Zafar Khan from the back seat of car weighed, 24.800 kgs. He separated 10 gms opium from each packet and prepared 21 sealed sample parcels. Recovered opium P-4, was also converted into sealed parcel. He took the same alongwith Suzuki Car P-5, in possession vide recovery memo Ex.PD, signed by Tanzeem Sarwar and Imtiaz Ahmad. On personal search of Imtiaz Khan, he recovered PKR 17,000/= P-6, his ID Card P-7, mobile phone P-8, driving license P-9 and one registration book in name of Zulfiqar Ahmad P-10. These articles were taken in possession vide memo Ex.PE, signed by the above said witnesses. On personal search of Zafar Khan, he recovered PKR 13,000/= P-11, his ID Card P-12, driving license P-13, mobile phone P-14 and different papers P-15. Those articles were taken in possession vide memo Ex.PF, signed by the above said witnesses. He prepared complaint Ex.PG, and sent the same to PS for registration of case through Irfan sepoy. He recorded the statements of witnesses and also prepared site plan Ex.PH, at the spot. He completed all documents in the light of FIR. He also arrested Shahid Afridi, father of above named girls, on 01.10.2010. Shahid Afridi was acquitted by this court at the time of framing of charge. After completion of investigation, he submitted challan for trial. At the end, he stated that Sajjad Ex.Muharrar, PS ANF, Lahore is known to him. He worked with him and FIR Ex.PI is in his handwriting and bears his signatures. He was cross examined by the defence counsel.

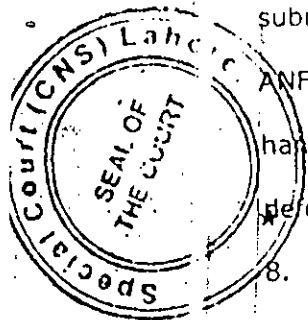
8. Tanzeem Sarwar, SI is PW-A. He stated that on 29.9.2010, he accompanied Noman Ghous SI, Imtiaz Ahmad C, Irfan and other ANF officials in supervision of Sahib Khan AD to circular Road, Data Derbar Lahore at about 6.45 p.m. alongwith informer. At about 7.15 p.m. car No.MNU-4056,

ATTESTED

Attested True Copy

Special Court (CNS)
LAHORE

Muhammad Azhar Ghani (Judge)
Special Court, CNS
Lahore



Ye ow Colour, Suzuki Mehran, with four persons on board came from the side of Minar-e-Pakistan towards Data Darbar and it was stopped by Noman Ghous/I.O. on the pointation of informer. On inquiry about narcotics, Imtiaz Khan sitting on driving seat and Zafar Khan, sitting on front seat, handed over 5/5 packets of charas to I.O lying in their feet. On further interrogation, Imtiaz Khan, got recovered 6 packets of charas from each door of the car, total weighing 28.800 kgs and Zafar Khan, got recovered 21 packets of opium, weighing 24.800 kgs from the back seat of that car. Noman Ghous/I.O separated 10 gms charas from each packet of charas recovered from the accused and prepared sealed sample parcels. Remaining recovered charas was also converted into sealed parcels and taken in possession by I.O, vide different memos signed by him and Imtiaz Ahmad. I.O also separated 10 gms opium from each packet and prepared sealed sample parcels. The remaining opium was also converted into sealed parcel and I.O took the same in possession vide memo Ex.PD, signed by him and Imtiaz Ahmad. On personal search of Imtiaz Khan, I.O. recovered PKR 17,000/= P-6, his ID Card P-7, mobile phone P-8, driving license P-9 and one registration in name of Zulfikar Ahmad P-10 and took in possession by I.O. vide memo Ex.PE, signed by him and above said witness. On personal search of Zafar Khan, I.O. recovered PKR 13,000/= P-11, his ID Card P-12, driving license P-13, mobile phone P-14 and different papers P-15 and took the same in possession by I.O. vide memo Ex.PF, signed by him and Imtiaz Ahmad C. He was also cross examined at length by defence counsel.

9. Statements of both the accused U/S 342 of Cr. P. C were recorded. They denied the allegation and claimed to be innocent. They recorded that they were traveling with Shahid Afridi as passengers on payment of Rs.1000/= fare in car. Shahid was intercepted by ANF authorities. There was exchange of hot words in between ANF officers and passengers of car, so they were involved in this case without any reason and later on ANF officer dropped Shahid Afridi for ulterior motives. Nothing was recovered from them.

ATTESTED

Attested True Copy

Reader Special Court (CHS)
LAHORE

Imtiaz Ahmad
Special Court, C-1
Lahore



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10. Arguments heard and record perused.

11. Learned SP submitted that Imtiaz Khan and Zafar Khan, accused facing this trial, were arrested by ANF authorities near Dera (Derbar in Suzuki) car No.MNU-4056 with huge quantity of narcotics on secret information. 6 kgs charas each from Imtiaz Khan and Zafar Khan were recovered lying in their feet. On the pointation of Imtiaz Khan, 24 packets of charas were recovered from secret cavities of car doors, which was 24.800 kgs. Likewise, on the pointation of Zafar Khan, 21 packets of opium from the rare seat, total weighing 24.800 kgs, were recovered. Recovery of this huge quantity of charas and opium from Imtiaz Khan and Zafar Khan is unanimously proved by Noman Ghous, PW-2 and Tanzeem Sarwar, PW-3; that samples separated by I.O. from each packet of charas and opium were sent to Chemical Examiner. Their reports Ex.PK, Ex.PL and Ex.PM are positive. He is of the view that prosecution has established its case and prayed that both the accused be convicted under the law.

12. Learned defence counsel opposed these arguments and submitted that Shahid Khan Afridi was travelling from Peshawar to Lahore. In lorry adda, Peshawar, he boarded Imtiaz Khan and Zafar Khan as passengers on payment of Rs.1,000/= each as fare. In Lahore, Shahid Khan Afridi two passengers, and his two minor daughters were apprehended by ANF authorities. Whatever was allegedly recovered from the car belongs to Shahid Khan Afridi. ANF authorities, in connivance with Shahid Khan Afridi, planted the same on Imtiaz Khan and Zafar Khan, the passengers of the car. No recovery was shown from Shahid Khan and innocent persons have been involved in this case. He submitted that this is the first version of accused and the same defence is taken by them in their statements recorded U/s 342 of Cr. P. C. He further argued that evidence of both Noman Ghous and Tanzeem Sarwar are full of contradictions. How it is possible that accused were having 6 kgs charas in their feet and a prudent mind person left his their minor girls with strangers; that samples were not taken from all slabs. As such, the accused could not be punished for the total recovery planted.

Muhammad Azhar C
Special Court
Lahore



ATTESTED

[Signature]

Attested True Copy

[Signature]

By Reader Special Court (CNS)

LAHORE

BETTER COPY OF PAGE-11

Against them. He further argued that Chemical reports Ex-PK, PL and Ex.PM does not bear any stamp of Chemical Examiner, so, carry no weight. Relying on principles laid down on 2009 SCMR 579, 2006 YLR 401 and 2005 P. Cr. Lj 1506, Peshawar. He prayed that both the accused be acquitted.

13. I have considered the arguments and have gone through record as well as above cited case law carefully. Shahid Khan Afridi, was acquitted by my learned predecessor vide order dated 22.12.2010 U/S 265-K of Cr.P.C. Even otherwise, the version of accused that whatever was recovered from the car is owned by Shahid Khan Afridi is not supported by independent evidence. So much so, accused did not bother to record their statements U/S 340(2) of Cr.P.C on oath. On the other side, Noman Ghous, PW-2 and Tanzeem Sarwar, PW-3 have unanimously stated that 6 kgs charas each was recovered from their feet of accused facing this trial and Imtiaz Khan got recovered 28.800 kgs charas from the cavities in four doors of the car, whereas Zafar Khan got recovered 24.800 kgs opium from the back seat of car. These witnesses have been subjected to lengthy cross examination. Defense could not shack their veracity. Samples taken from the narcotics are positive. This court is of the view that prosecution has proved its case beyond any doubt. The recovery of 34.800 kgs charas from Imtiaz Khan, 6 kgs charas and 24.800 kgs opium from Zafar Khan is established. In the circumstances, Imtiaz Khan and Zafar Khan, accused are convicted U/S 9(c) of CNSA and are sentenced to life imprisonment with fine of Rs. 5,00,000/- each, for non payment of which they have to undergo six months S.I. each. Both the convicts are given benefit of Section 382-B and are entitled to all other remissions under the law.

15. Since, Imtiaz Khan and Zafar Khan, have been sentenced to a period exceeding three years, therefore all their assets derived from trafficking of narcotics shall be confiscated in favour of Federal Government, unless this court is satisfied otherwise.

16. Personal belongings of both the convicts except cash be handed over to them after completion of their sentences which were seized at the time of their arrest. Motorcar is used in trafficking of huge narcotics, therefore, the same is confiscated in favour of state. ANF authorities are directed to auction this vehicle and deposit its sale proceeds in the account of Govt. Treasury. Recovered narcotics from the convicts be destructed after efflux of time of appeal/revision. Copy of the judgment be supplied to the convicts gratis. File be consigned to record room.

Announced:
03.01.2012

Judge
Special Court CNS, Lahore.

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against them. He further argued that Chemical reports Ex. PK, PL and Ex. PM does not bear any stamp of Chemical Examiner, so, carry no weight. Relying on principles laid down on 2009 SCMR 579, 2006 YLR 401 and 2005 P. Cr. L 1506, Peshawar. He prayed that both the accused be acquitted.

13. I have considered the arguments and have gone through record as well as above cited case law carefully. Shahid Khan Afridi, was acquitted by my learned predecessor vide order dated 22.12.2010 U/S 255-k of Cr. P. C. Even otherwise, the version of accused that whatever was recovered from the car is owned by Shahid Khan Afridi, is not supported by independent evidence. So much so, accused did not bother to record their statements U/S 340(2) of Cr. P. C on oath. On the other side, Noman Ghous, PW-2 and Tanzeem Sarwar, PW-3 have unanimously stated that 6 kgs charas each was recovered from their feet of accused facing this trial, and Imtiaz Khan got recovered 28.800 kgs charas from the cavities in four doors of the car, whereas Zafar Khan got recovered 24.800 kgs opium from the back seat of car. These witnesses have been subjected to lengthy cross examination. Defence could not shack their veracity. Samples taken from the narcotics are positive. This court is of the view that prosecution has proved its case beyond any doubt. The recovery of 34.800 kgs charas from Imtiaz Khan, 6 kgs charas and 24.800 kgs opium from Zafar Khan is established. In the circumstances, Imtiaz Khan and Zafar Khan, accused are convicted U/S 9(c) of CNSA and are sentenced to life imprisonment with fine of Rs.5,00,000/- each, for non payment of which they have to undergo six months S.I. each.

Both the convicts are given benefit of Section 382B and are entitled to all other remissions under the law.

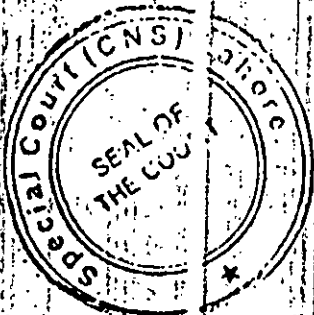
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16. Personal belongings of both the convicts except cash be handed over to them after completion of their sentences which were seized at the time of

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Additional Special Court (CNS) LAHORE



(Signature) Shahid Khan Afridi
Special Court, Lahore

12

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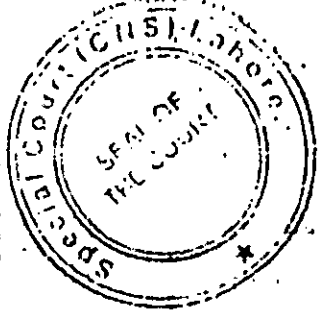
Announced:
03.1.2012

[Signature]
Judge,
Special Court CNS, Lahore.

Certified that this judgment consists of seven pages, which have been read, corrected and signed by me.

Announced:
03.01.2012

[Signature]
Judge,
Special Court, CNS, Lahore



Nasir..

Application No.	989
Name of Applicant	SIR Umar
Date of Receipt	03-01-12
Date of Preparation	11
Date of Delivery	9
Copy Pages	7
Court Fee	FOC
Urgent Fee	
Examined By	

[Signature]
Special Court (CNS)
LAHORE

[Handwritten notes in Urdu and English, including dates and names]

115
03-01-12

D-13

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Mushir Alam
Mr. Justice Mazhar Alam Khan Miankhiel

Criminal Appeals No. 364 & 365 of 2016

(Against the judgment dated 21.04.2016 passed by the Lahore High Court, Lahore in Criminal Appeal No. 110 and 111 of 2012)

Imtiaz Khan (in Cr. A. 364 of 2016)
Zafar Khan (in Cr. A. 365 of 2016) ...Appellants
The State, etc. versus (in both cases) ...Respondents

For the appellants: Mr. Ahmed Nawaz Ch., AOR (in both cases)
For the State: Raja Inam Amin Minhas, Special Prosecutor, Anti-Narcotics Force
Ch. Aitsham-ul-Haq, Special Prosecutor, Anti-Narcotics Force
Syed Rifaqat Hussain Shah, AOR (in both cases)

Date of hearing: 26.03.2018 ✓

JUDGMENT

Asif Saeed Khan Khosa, J.: Imtiaz Khan appellant in Criminal Appeal No. 364 of 2016 and Zafar Khan appellant in Criminal Appeal No. 365 of 2016 were apprehended red-handed by a raiding party at about 07.15 P.M. on 29.09.2010 at a time when Imtiaz Khan appellant was driving a motorcar and Zafar Khan appellant was sitting on the passenger seat and from the search of that vehicle charas weighing 40.800 kilograms and opium weighing 24.800 kilograms were recovered not only from the secret cavities of that vehicle but also from packets lying in front of the

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[Signature] *[Signature]*
Court Associate
Supreme Court of Pakistan

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appellants. With the said allegations the appellants were booked in case FIR No. 91 registered at Police Station Anti-Narcotics Force, Lahore on 29.09.2010 in respect of an offence under section 9(c) read with section 15 of the Control of Narcotic Substances Act, 1997. After a regular trial the appellants were convicted by the trial court for an offence under section 9(c) of the Control of Narcotic Substances Act, 1997 and were sentenced to imprisonment for life each and a fine of Rs. 5,00,000/- each or in default of payment thereof to undergo simple imprisonment for six months each. The appellants challenged their convictions and sentences before the High Court through separate appeals but their appeals were dismissed by the High Court and their convictions and sentences recorded by the trial court were upheld and maintained. Hence, the present appeals by leave of this Court granted on 25.08.2016.

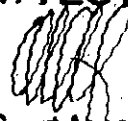
2. Leave to appeal had been granted in these cases in order to reappraise the evidence and with the assistance of the learned counsel for the parties we have undertaken that exercise.

3. The appellants were apprehended red-handed while in possession of various quantities of *charas* and opium and the samples of the recovered substances were subsequently tested positive by the Chemical Examiner. The recovery witnesses produced by the prosecution were public servants who had no ostensible reason to falsely implicate the appellants in a case of this nature. The appellants had advanced their own versions of the alleged recovery but they had failed to adduce sufficient or convincing evidence in support of their versions. Both the courts below had undertaken an exhaustive analysis of the evidence available on the record and had then concurred in their conclusion regarding guilt of the appellants having been established beyond reasonable doubt and upon our own independent evaluation of the evidence we have not been able to take a view of the matter different from that concurrently taken by the courts below.

ATTESTED



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Court Associate
Supreme Court of Pakistan
Islamabad

(15)

4. The question as to how much quantity of the recovered substances is to be considered against the appellants for the purposes of their convictions and sentences has engaged our serious consideration and in that context we have observed that according to the statement made by Nouman Ghous, S.I. (PW2) and Tanzeem Sarwar, S.I. (PW3) the *charas* recovered in this case was in the shape of slabs and the opium recovered in the case was in the shape of pieces and samples had been taken from the recovered substances by cutting the recovered packets from their corners. It is, thus, obvious from the statements of the above mentioned prosecution witnesses that separate samples of *charas* had not been taken from every slab nor separate samples had been taken from every piece of opium recovered in the case. It had never been established by the prosecution as to how many slabs of *charas* had been recovered or how many pieces of opium had been recovered at the instance of the present appellants. The recovery affected in this case had clearly violated the law declared by this Court in the case of Ameer Zeb v. The State (PLD 2012 SC 380) and the samples taken in the case could not, thus, be termed as representative samples. In this state of the evidence available on the record only the quantity of the samples secured in this case could have been considered for the purposes of the appellants' convictions and sentences. The total weight of the samples of *charas* recovered from the possession of Imtiaz Khan appellant was 290 grams, the total weight of the samples of *charas* recovered from the possession of Zafar Khan appellant was 50 grams and the total weight of the samples of opium recovered from the possession of Zafar Khan appellant was 210 grams and in the peculiar circumstances of this case it is only those weights of the recovered substances which could have been considered for the purposes of recording the appellants' convictions and sentences.

5. For what has been discussed above these appeal are partly allowed, the convictions and sentences of the appellants recorded and upheld by the courts below are set aside and instead Imtiaz Khan appellant is convicted for an offence under section 9(b) of the

ATTESTED



ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

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Control of Narcotic Substances Act, 1997 and is sentenced to rigorous imprisonment for one year and three months and a fine of Rs. 9,000/- (Rupees nine thousand only) or in default of payment thereof to undergo simple imprisonment for three months and fifteen days whereas Zafar Khan appellant is convicted for an offence under section 9(b) of the Control of Narcotic Substances Act, 1997 and he is sentenced to rigorous imprisonment for one year and eleven months and a fine of Rs. 10,000/- (Rupees ten thousand only) or in default of payment thereof to undergo simple imprisonment for five months and fifteen days. The benefit under section 382-B, Cr.P.C. shall be extended to the appellants. These appeals are disposed of in these terms.

Sd/- Asif Saeed Khan Khosa, J

Sd/- Mushir Alam, J

Sd/- Mazhar Alam Khan Miankheh, J

Certified to be True Copy



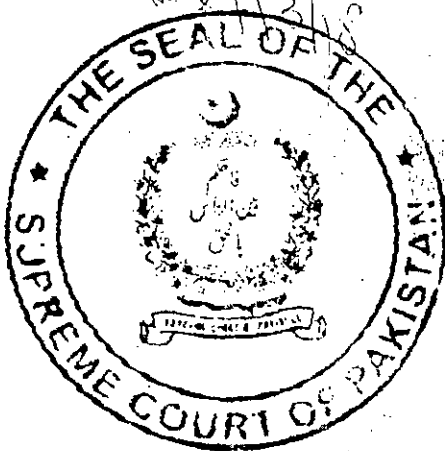
Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad

26.03.2018

Not approved for reporting.

Arif



ATTESTED



E - (17)

ORDER

This office order relates to the disposal of formal departmental enquiry against Head Constable Imtiaz Ahmad No.147 of Capital City Police Peshawar on the allegations/charges that he while posted on deputation to Welfare & PQR Peshawar was absent from lawful duty w.e.f. 07.10.2010 till date without taking permission or leave.

DSP Welfare & PQR
Diary
755/W
24/4/12
Peshawar

In this regard, he was issued charge sheet and summary of allegations by SP Welfare & PQR Peshawar vide No.117/W, dated 20.01.2011. SI Ashraf Khan was appointed as Enquiry Officer vide order Ednst: No.116, dated 20.01.2011 to dig out the real facts. He conducted the enquiry proceedings and submitted his report that the defaulter Head Constable is still absent from 07.10.2010 till date. The E.O further reported that the above named official is presently in the custody of Punjab Police in Narcotic case.

Having being involved in criminal case FIR No.91/10 dated 27.09.2010 u/s 9C15,CNSA/1997 PS ANF Lahore, the delinquent official was placed under suspension from the date of his involvement i.e 27.09.2010 by the Addl: IG HQrs KPK, Peshawar vide SP welfare and PQR Peshawar letter Endst: No.864-66/W dated 24.05.2011.

On receiving the letter address to W/PPD and copy thereof endorsed to this office vide No.350/W dated 12.03.2012 wherein stated that HC Imtiaz Khan No.147 has been involved in criminal case FIR No.91/10 dated 27.09.2010 u/s 9C15,CNSA/1997 PS ANF Lahore. It is further stated that Judge Special Court, Control of Narcotics Substances Lahore vide his court Order dated 03.01.2012, Head Constable Imtiaz Ahmad has been awarded sentence to life imprisonment with fine of Rs.5,00,000/- (Five Lac)

Moreover, the repatriation order of HC Imtiaz Ahmad No.147 issued by the Provincial Police Officer, KPK Peshawar was received in this office vide End: No.5767-70/E-II dated 24.03.2012 wherein directed to take necessary action in light of the court decision. Upon which, the opinion of DSP Legal was also sought. He opined that the departmental proceeding was initiated on account of his absence from duty. During the enquiry proceeding, the matter of his involvement/conviction by the Special Court, Control on Narcotics Substance came to surface. Therefore, the delinquent official being convicted by the trial court may be dismissed from service from the date of conviction.

In light of the Court Judgement, finding of E.O and DSP legal opinion, the undersigned came to conclusion that the alleged official has already been convicted by the Judge Special Court Control of Narcotic Substances Lahore in the above mentioned case. Therefore, HC Imtiaz Ahmad No.147/CCP is hereby dismissed from service under Police Disciplinary Rules, 1975 from the date of conviction i.e 03.01.2012.

[Signature]
**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 1618 / Dated 23/4 /2012
No. 1781-89 PA/SP/dated Peshawar the 23/4 /2012

Copy of above is forwarded for information & n/action to:

1. The Provincial Police Officer, KPK, Peshawar w/r to End: No.5767-70/E-II dated 24.03.2012.
2. The Capital City Police Officer, Peshawar.
3. The SP Welfare & PQR, Peshawar
4. DSP/HQrs, Peshawar.
5. Pay Office/OASI/CRC & FMC along-with complete departmental file 6. Officials concerned.

ATTESTED

DSP/HQ.rs Punishment folder/Disposal order

*Acct
cc*

DSP. PQR

[Signature]
24/4/12

To,

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

F-18

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 23.4.2012 COMMUNICATED ON 28.3.2018 WHEREBY I WAS DISMISSED FROM SERVICE**

Respected Sir,

It is most humbly stated that I was serving as Head Constable before your good self and was performing duties quite efficiently and up to the entire satisfaction of my superiors. During service I was charged in case FIR No. 91 on dated 29.9.2010 under section 9 c (CNSA) and was arrested by the police and sent him to judicial Lock up. That due to the said FIR I was suspended on 24.5.2011 w.e.f 27.9.2010. That the Special Court Control of Narcotics Lahore convicted me for life imprisonment with fine of Rs.500,000/- vide judgment dated 03.01.2012 and the same judgment was upheld/maintained by the Honorable High Court. Later on I preferred appeal before the Honorable Supreme Court of Pakistan against the said judgments, which were set aside and the conviction was converted to section 9 B (CNSA) under which I was sentenced to imprisonment for one year and three months with fine of Rs. 9000/- and has been released from jail on 26.3.2018. After release, I visited the concerned quarter for joining my duties but the concerned authority handed over the impugned order dated 23/4/2012 to me whereby I was dismissed from service. Feeling aggrieved from the impugned order dated 23/4/3012 I prefer the instant Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 23/4/2012 may kindly be set aside and I may be reinstated in to service with all back benefits. Any other remedy which your good self deem fit may also be awarded in my favor.

Dated: 25.4.2018

ATTESTED



APPELLANT



Imtiaz Ahmad

Ex-Head Constable No. 147

VAKALATNAMA

Before the KP Service Tribunal Peshawar

OF 2018

Imtiaz Ahmad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Imtiaz Ahmad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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. ___/___/2018



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK

&


MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Restoration Application no. 345/249
C.M. No. _____/2019

IN
APPEAL ON. 974/2018

Imtiaz Ahmad

V/S

Police Deptt:

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE
(0345-9383141)

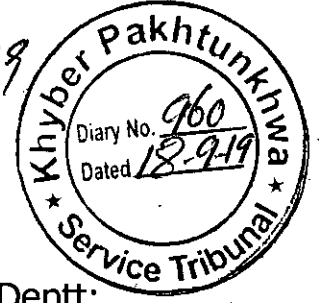
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Application No. 345/2019
C.M. No. /2019

IN

APPEAL ON. 974/2018



Imtiaz Ahmad

V/S

Police Deptt:

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honourable Tribunal in which 12-09-2019 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 23.04.2012 whereby the appellant was dismissed from service.
- 3- That the aforementioned appeal was noted on 17/7/2019 in the daily diary of the counsel for the appellant and due to that reason Counsel for the appellant could not appear before this august Tribunal on the date mentioned above.
- 4- That due to non appearance of the counsel for appellant on the date mentioned above before this august Tribunal, the appeal of the appellant has been dismissed in default. **Copy of the order sheet is attached.**
- 5- That on the same date the appeal of the appellant was not noted in the daily diary of the counsel for appellant.
- 6- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 18-09-2019

APPELLANT

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

(MOBILE NO.0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2019

IN

APPEAL ON. 974/2018

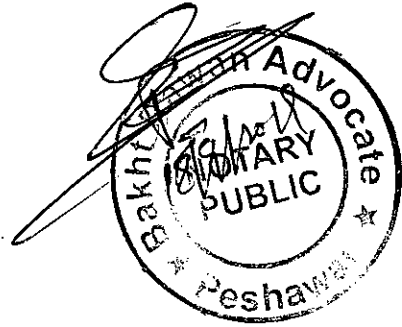
Imtiaz Ahmad

V/S

Police Deptt:

AFFIDAVIT

I Noor Mohammad Khattak Advocate High Court Peshawar do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




NOOR MOHAMMAD KHATTAK
ADVOCATE

A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

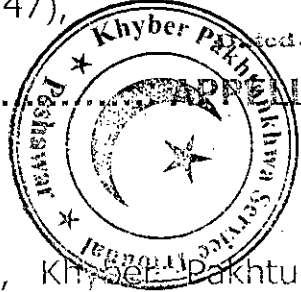
APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1242

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O.the Capital City Police Officer, Peshawar

Date 07-8-2018



APPELLANT

VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPOUNDED ORDER DATED 23.4.2012
WHEREBY THE APPELLANT WAS DISMISSED FROM
SERVICE AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

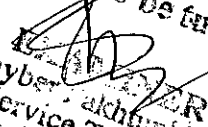
12.09.2019 Nemo for appellant.

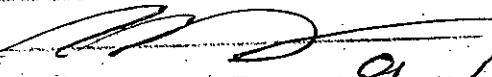
It is already past 2.00 PM and no one is in available to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman 

Announced:
12.09.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 17-09-19
 Number of Words 460
 Copying Fee 4.00
 Urgent 4.00
 Total 8.00
 Name of Copyist 
 Date of Completion of Copy 17-09-19
 Date of Delivery of Copy 17-09-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli-no-345/19
C.M. No. _____/2019

IN

APPEAL ON. 974/2018

Imtiaz Ahmad

V/S

Police Deptt:

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APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE

(0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2019

IN
APPEAL ON. 974/2018

Imtiaz Ahmad

V/S

Police Deptt:

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honourable Tribunal in which 12-09-2019 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 23.04.2012 whereby the appellant was dismissed from service.
- 3- That the aforementioned appeal was noted on 17/7/2019 in the daily diary of the counsel for the appellant and due to that reason Counsel for the appellant could not appear before this august Tribunal on the date mentioned above.
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It is therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 18-09-2019

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

(MOBILE NO.0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2019
IN
APPEAL ON. 974/2018

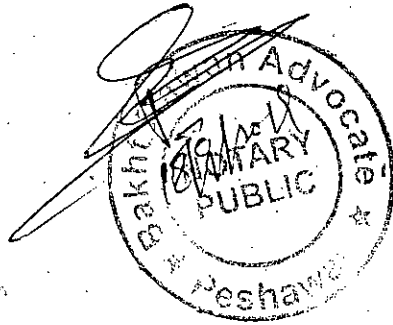
Imtiaz Ahmad

V/S

Police Deptt:

AFFIDAVIT

I Noor Mohammad Khattak, Advocate High Court Peshawar do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




NOOR MOHAMMAD KHATTAK
ADVOCATE

A-3

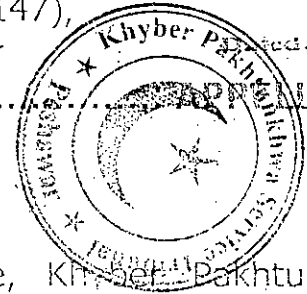
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 1242

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

07-8-20



VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER
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THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

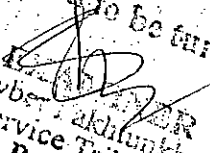
12.09.2019 Nemo for appellant.

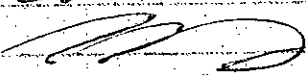
It is already past 2.00 PM and no one is in available to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman 

Announced:
12.09.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 17-09-19
 Number of Words 460
 Copying Fee 4.00
 Urgent 4.00
 Total 8.00
 Name of Copyist 
 Date of Completion of Copy 17-09-19
 Date of Delivery of Copy 17-09-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Restoration Appli. no. 345/19
C.M. No. _____/2019

IN

APPEAL ON. 974/2018

Intiaz Ahmad

V/S

Police Deptt:

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1.	Memo of application	1.
2.	Affidavit	2.
3.	Order/judgment	A	3.

APPELLANT

THROUGH:

[Signature]
NOOR MUHAMMAD KHATTAK
ADVOCATE

(0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2019

IN

APPEAL ON. 974/2018

Imtiaz Ahmad

V/S

Police Deptt:

APPLICATION FOR RESTORATION OF THE ABOVE
MENTIONED APPEAL

R/SHEWETH:

- 1- That, the above mentioned appeal was pending adjudication before this Honourable Tribunal in which 12-09-2019 date was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 23.04.2012 whereby the appellant was dismissed from service.
- 3- That the aforementioned appeal was noted on 17/7/2019 in the daily diary of the counsel for the appellant and due to that reason Counsel for the appellant could not appear before this august Tribunal on the date mentioned above.
- 4- That due to non appearance of the counsel for appellant on the date mentioned above before this august Tribunal, the appeal of the appellant has been dismissed in default. **Copy of the order sheet is attached.**
- 5- That on the same date the appeal of the appellant was not noted in the daily diary of the counsel for appellant.
- 6- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of the instant application the above title writ petition may kindly be restored.

Dated: 18-09-2019

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

(MOBILE NO.0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. No. _____/2019

IN

APPEAL ON. 974/2018

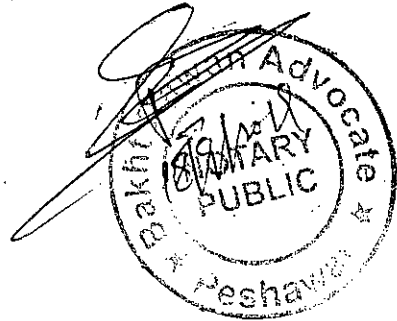
Imtiaz Ahmad

V/S

Police Deptt:

AFFIDAVIT

I Noor Mohammad Khattak Advocate High Court Peshawar do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




NOOR MOHAMMAD KHATTAK
ADVOCATE

A-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

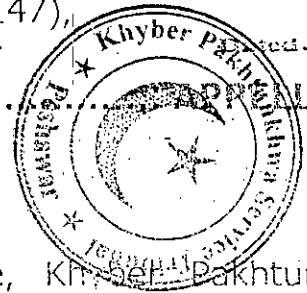
APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1242

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

07-8-20



VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
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PRAYER:

12.09.2019

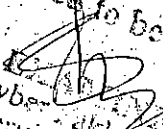
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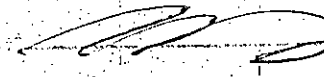
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Announced:
12.09.2019

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Khyber Pakhtunkhwa
Service Tribunal,
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[Signature]
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(0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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ADVOCATE

(MOBILE NO.0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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C.M. No. _____/2019

IN

APPEAL ON. 974/2018

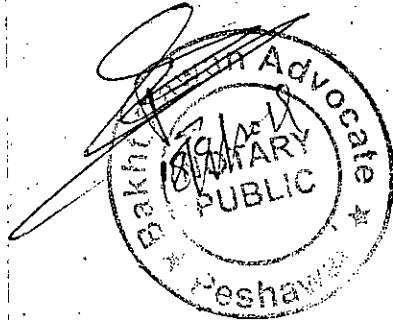
Imtiaz Ahmad

V/S

Police Deptt:

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NOOR MOHAMMAD KHATTAK
ADVOCATE

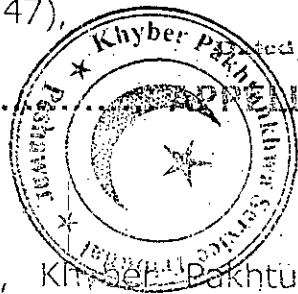
A-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal
1242
Diary No. 07-8-2c

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar



VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

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**APPEAL UNDER SECTION 4 OF THE KHYBER
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THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

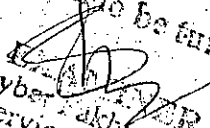
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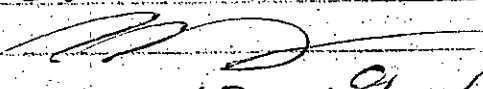
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Chairman 

Announced:
12.09.2019

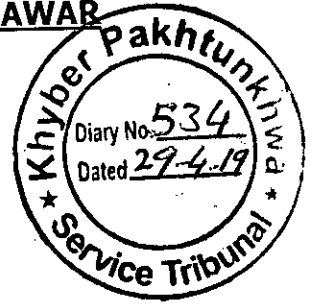
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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 17-09-19
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Application No. 199/2019
C.M NO. _____ /2019

IN
APPEAL NO. 974/2018



IMTIAZ AHMED

VS

POLICE DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 18.03.2019 date fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned Order dated 23.04.2012 whereby the appellant was dismissed from service.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order dated 18.03.2019. Copy of the order sheet is attached.
- 4- That the above mentioned service appeal was noted on 20.03.2019 in the diary of the Counsel for appellant and the same had also been communicated to the appellant. That due to the above mentioned reason appellant and Counsel for the appellant could not appeared before this august Tribunal.
- 5- That when it came into the knowledge of counsel for the appellant he submitted application for attested copy of the order sheet dated 18.04.2019 which has been communicated on 26.04.2019.
- 6- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 26.04.2019.

APPELLANT

Imtiaz Ahmed
IMTIAZ AHMED

THROUGH:

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018


IMTIAZ AHMED

VS

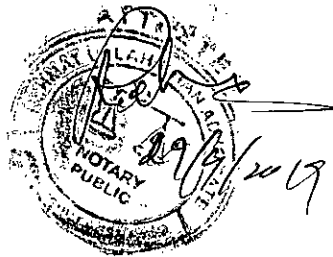
POLICE DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak, Advocate on the instructions and on behalf of my client do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

ATTESTED



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

C.M NO. _____/2019

IN

APPEAL NO. 974/2018

IMTIAZ AHMED

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:

GROUND OF APPLICATION:

A- That valuable rights of the appellant are involved in the case hence the appeal deserve to 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 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

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

APPELLANT


IMTIAZ AHMAD

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

A-9

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 1242

Dated 07-8-2018

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

..... APPELLANT

VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

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AGAINST THE IMPOUNDED ORDER DATED 23.4.2012
WHEREBY THE APPELLANT WAS DISMISSED FROM
SERVICE AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the impugned order dated 23.4.2012 may kindly be set aside and the appellant may please be re-instated into service with all back benefit OR the punishment of dismissal from service may kindly be converted to compulsory retirement. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

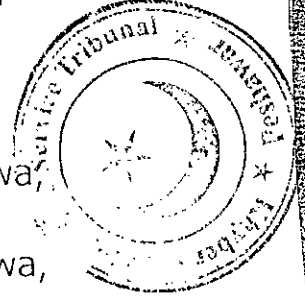
R/SHEWETH:

ON FACTS:

ATTESTED Brief facts giving rise to the present appeal are as under:

1. That the appellant was the employee of the respondent Department and had served the respondent Department as Head Constable quite efficiently and up to the entire satisfaction of his superiors.

2. That during service the appellant was charged in case FIR No.91/10 dated 30.9.2010 U/S 9(c), 15 CNSA and was taken



led to-day
Registrar
7/8/18

5

Appeal No. 974/2018
Imtiaz Ahmad vs Govt

18.03.2019

Nemo for appellant.




It is now 3.25 P.M and the case has been called several times. Despite, no one is in attendance on behalf of appellant.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman

ANNOUNCED
18.03.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 16-4-19
Number of V/cds 800
Copying Fee 6
Urgent
Total 6
Name of Copyist
Date of Completion of Copy 26-4-19
Date of Delivery of Copy 26-4-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Application no. 199/2019
C.M NO. _____/2019

IN
APPEAL NO. 974/2018

IMTIAZ AHMED

VS

POLICE DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

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It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 26.04.2019.

APPELLANT

Imtiaz Ahmed
IMTIAZ AHMED

THROUGH:

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018


IMTIAZ AHMED

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
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APPEAL NO. 974/2018

IMTIAZ AHMED

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APPELLANT


IMTIAZ AHMAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

A-9

APPEAL NO. 974 /2018

Number Pakhtunkhwa
Service Tribunal

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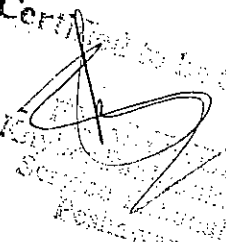


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Chairman

ANNOUNCED
18.03.2019

Certified to be true copy

Registrar
Services Division
Government of Punjab

Date of Presentation of App. 16-4-19
Number of Vols 6
Copying Fee 800
Urgent
Total 6
Name of Officer
Date of Completion of Work 26-4-19
Date of Delivery of Copy 26-4-19

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Restoration Appli. no. 199/19
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Imtiaz Ahmed
IMTIAZ AHMED

THROUGH:

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NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
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ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

A-9

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1242

Dated 07-8-2018

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- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPOUNGED ORDER DATED 23.4.2012
WHEREBY THE APPELLANT WAS DISMISSED FROM
SERVICE AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 23.4.2012 may kindly be set aside and the appellant may please be re-instated into service with all back benefit OR the punishment of dismissal from service may kindly be converted to compulsory retirement. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are
as under:

1. That the appellant was the employee of the respondent Department and had served the respondent Department as Head Constable quite efficiently and up to the entire satisfaction of his superiors.

2. That during service the appellant was charged in case FIR No.91/10 dated 30.9.2010 U/S 9(c), 15 CNSA and was taken

Date of Prosecution 16-4-18
 Number of Prosecutors 6
 Court Fee 800
 Name of Appellant [Signature]
 Date of Conviction 26-4-18
 Date of Delivery of Copy 26-4-19

CERTIFICATE TO FILE COPY
 [Signature]
 18.03.2019

ANNOUNCED
18.03.2019

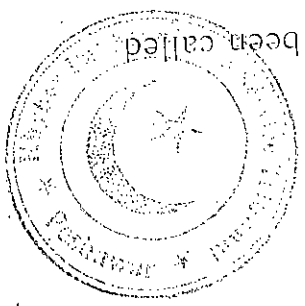
Chairman
[Signature]

Dismissed for non-prosecution. File be
 consigned to the record room
 behalf of appellant.

It is now 3.25 P.M and the case has been called on
 several times. Despite, no one is in attendance on

Nemo for appellant.

18.03.2019



[Signature]
 18/03/2019
 Incharge, Record & USG RT

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Appli. no. 199/19
C.M NO. _____/2019

IN

APPEAL NO. 974/2018

IMTIAZ AHMED

VS

POLICE DEPTT:

APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED APPEAL

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 18.03.2019 date fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned Order dated 23.04.2012 whereby the appellant was dismissed from service.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order dated 18.03.2019. Copy of the order sheet is attached.
- 4- That the above mentioned service appeal was noted on 20.03.2019 in the diary of the Counsel for appellant and the same had also been communicated to the appellant. That due to the above mentioned reason appellant and Counsel for the appellant could not appeared before this august Tribunal.
- 5- That when it came into the knowledge of counsel for the appellant he submitted application for attested copy of the order sheet dated 18.04.2019 which has been communicated on 26.04.2019.
- 6- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 26.04.2019.

APPELLANT

Imtiaz Ahmed
IMTIAZ AHMED

THROUGH:

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018


IMTIAZ AHMED

VS

POLICE DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak, Advocate on the instructions and on behalf of my client do hereby solemnly affirm that the contents of this **application for restoration** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018

IMTIAZ AHMED

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

GROUND OF APPLICATION:

A- That valuable rights of the appellant are involved in the case hence the appeal deserve to 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 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

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

APPELLANT


IMTIAZ AHMAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

A-9

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1242

Dated 07-8-2018

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

APPELLANT

VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3) The Superintendent of Police, welfare & PQR, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

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R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

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2. That during service the appellant was charged in case FIR No.91/10 dated 30.9.2010 U/S 9(c), 15 CNSA and was taken

Date of Presentation of the Petition: 16-4-18
 Number of Petitions: 6
 Name of Applicant: [Signature]
 Date of Completion of Case: 26-4-18
 Date of Delivery of Copy: 26-4-18

Certified to be true copy
 [Signature]
 [Stamp]

ANNOUNCED
 18.03.2019

Chairman
 [Signature]

Dismissed for non-prosecution. File be
 consigned to the record room.
 behalf of appellant.
 several times. Despite, no one is in attendance on
 It is now 3.25 P.M and the case has been called.

18.03.2019

Nemo for appellant.



[Signature]
 Incharge Khurd USGANT

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Restoration Appli. no. 199/19
C.M NO. _____/2019

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APPEAL NO. 974/2018

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- 5- That when it came into the knowledge of counsel for the appellant he submitted application for attested copy of the order sheet dated 18.04.2019 which has been communicated on 26.04.2019.
- 6- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

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Dated: 26.04.2019.

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Imtiaz Ahmed
IMTIAZ AHMED

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NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018


IMTIAZ AHMED

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NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

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

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APPELLANT


IMTIAZ AHMAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

A-9

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

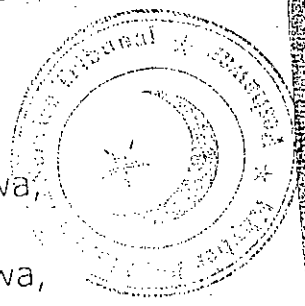
Case No. 1242

Dated 07-8-2018

Mr. Imtiaz Ahmad, Ex: Head Constable (No.147),
O/O the Capital City Police Officer, Peshawar

APPELLANT

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- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
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ON FACTS:

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 Date of Distribution of Copy: 26-4-18
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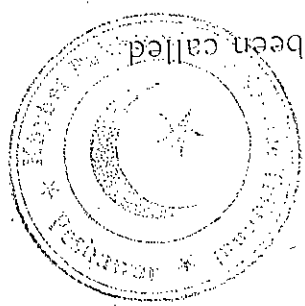
ANNOUNCED
18.03.2019

Certified to be a true copy
 [Signature]
 [Stamp]

Chairman
[Signature]

Dismissed for non-prosecution. File be
 consigned to the record room.
 behalf of appellant.

several times. Despite, no one is in attendance on
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Nemo for appellant.
 18.03.2019
 [Signature]
 Incharge, Ahmed USGANT

(5)

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C.M NO. 199/ /2019
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ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 974/2018


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ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

A-9

APPEAL NO. 974 /2018

Khyber Pakhtunkhwa
Service Tribunal

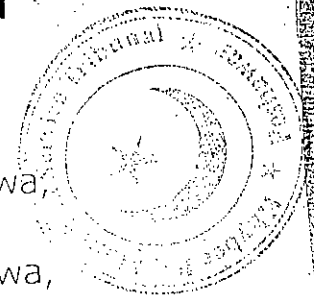
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APPELLANT

VERSUS



- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
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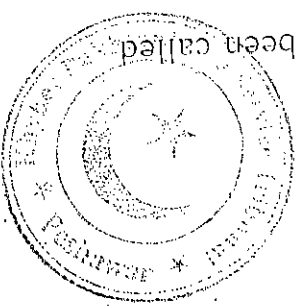
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 Page: 6
 Copy Fee: [Signature]
 Number of Pages: 6
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Certified to be true copy
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ANNOUNCED
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Chairman
[Signature]

Dismissed for non-prosecution. File be
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Nemo for appellant.

18.03.2019

Appeal No. 974/2018
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5