


06.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 05.12.2018 at camp court Swat.


Reader

05.12.2018

Appellant in person and Mr. Usman Ghani learned District Attorney present. Adjournment requested. Adjourn. To come up for arguments on tomorrow i.e. on 06.12.2018 before S.B at camp court Swat.


Member
Camp Court, Swat

06.12.2018

Appellant with counsel present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.


Member
Camp Court Swat



Member

CNIC: 15602-9314804-3

ANNOUNCED
06.12.2018


06.07.2018

Appellant Naveed Ali in person alongwith his counsel Mr. Imdadullah, Advocate present. Preliminary arguments heard.

Contends that the appellant has been dismissed from service without fulfilling the legal procedure as prescribed under the law.


Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections, if raised by the respondents. . The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.09.2018 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat


03.09.2018

Clerk to counsel for the appellant. Mr. Khawas Khan, S.I alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. The latter requested for adjournment. Granted. Case to come up for written reply/comments on 01.10.2018 before S.B at camp court Swat.


(AHMAD HASSAN)
MEMBER
Camp Court Swat

01.10.2018

Appellant in person present. Mr. Khawas Khan, S.I (Legal) alongwith alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Representative of the respondents sought some time to submit the same on the next date. Case to come up for written reply/comments on 06.11.2018 before S.B at camp court Swat.


Member
Camp Court Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ /2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31/05/2018	<p style="text-align: center;">As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>06-07-2018</u>. At <u>Camp Court Swat.</u></p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 31/5/18</p>

The appeal of Mr. Naveed Ali Ex-Constable No. 2761 Swat Police received today i.e. on 29.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1099 /S.T,

Dt. 29/05 /2018.


REGISTRAR 29/5/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aziz-ur-Rehman Adv. Swat

Sis,

Resubmitted with the explanation that the department is not providing me copies of any of the documents with regards my disciplinary proceedings. Sis the file may please be placed before the Honourable bench, please.

~~Indrad~~ 30/05/2018
Indrad Meh
Advocate Suet

Sir

The objection of the Tribunal and reply of counsel for the appellant is submitted for order please.

~~Indrad~~
30/5/18.

Humble
Chairman.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 868 of 2018

Navid Ali Ex-Constable No. 2761 Swat Police.

...Appellant

VERSUS

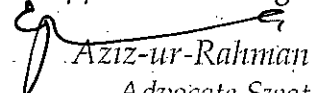
The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

INDEX

S. No.	Description of documents	Annexure	Pages
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4.	Copy of the Order dated 06-07-2017	A	7
5.	Copy of the Order dated 24-04-2018	B	8
6.	Vakalat Nama	9

Appellant Through


Aziz-ur-Rahman
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 868 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Navid Ali Ex-Constable No. 2761 Swat Police.

Diary No. 1005

Dated 29-5-2018

...Appellant

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer Malakand Range at
Saidu Sharif, District Swat.
3. The District Police Officer District Swat at
Gulkada.

...Respondents

SERVICE APPEAL UNDER SECTION 4 OF
THE SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER O.B. NO. 113 DATED
06-07-2017 WHEREBY MAJOR PENALTY OF
DISMISSAL FROM SERVICE IS IMPOSED
UPON THE APPELLANT AGAINST THE
LAW, RULES AND SHARIA, HENCE IS NOT
MAINTAINABLE UNDER THE LAW AND A
VOID ORDER, FEELING AGGRIEVED OF
THE SAME THE APPELLANT FILED A
DEPARTMENTAL APPEAL, WHICH WAS
ALSO DISMISSED IN A VERY SUMMARY
MANNER IN COLOURFUL EXERCISE OF
POWERS VIDE ORDER NO. 4008-12/E
DATED 24-04-2018, COMMUNICATED ON
22-05-2018, WHICH ORDER IS ALSO NOT
MAINTAINABLE UNDER THE LAW,
HENCE THIS SERVICE APPEAL.

Filed to-day

Registrar

29/5/18

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Prayer:

It is prayed that on acceptance of this service appeal both the orders impugned may very kindly be set aside and the appellant reinstated back into service with all back/consequential benefits.

Respectfully Sheweth:

Facts:

- i. That the appellant joined the Police Force on 27-03-2010 as constable and since then was regularly performing his duties without any complaints whatsoever by the authorities.*
- ii. That appellant was very zealous and punctual in his duties and never remained oblivion to his duties.*
- iii. That the appellant was all of a sudden imposed upon major penalty of dismissal from service vide order O.B. No. 113 dated 06-07-2017 on the vague ground of absence. Copy of the order dated 06-07-2017 is enclosed as Annexure "A".*
- iv. That the order is made in a very arbitrary manner by bulldozing all the law and rules on the subject is not sustainable under law, moreover the order being from a back date makes it void order as well.*
- v. That the appellant feeling aggrieved of the same filed a departmental appeal, but the same was also dismissed in a very summary manner in a*

colourful exercise of powers to the detriment of the appellant vide order No. 4008-12/E dated 24-04-2018, communicated to the appellant on 22-05-2018. Copy of the order dated 24-04-2018 is enclosed as Annexure "B", moreover the appellant is not given the copy of his departmental appeal, and thus the same could not be annexed.

- vi. That still feeling aggrieved and having no other option this honourable tribunal is approached for the redressal of the grievances on the following grounds.

Grounds:

- a. That the appellant has not been dealt with in accordance with the law and rules on the subject, which makes the order impugned as nullity in the eyes of law.
- b. That the appellant has never been associated with the alleged inquiry and has never been afforded the opportunity of being heard in person, thus the appellant has been condemned as unheard, which is also against the commands of the constitution, which also makes the order impugned as nullity in the law.
- c. That the order impugned is made with retrospective effect which also makes the order as void, which is held by this honourable tribunal in plethora of cases.

- 41
- d. That the respondents have misused their official authority in a very colourful and fanciful manner to the utter detriment of the appellant by bulldozing the law and rules on the subject.
- e. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.

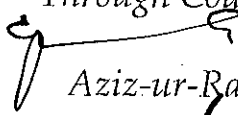
It is, therefore, very respectfully prayed that on acceptance of this appeal both the orders impugned may very kindly be set aside and the appellant reinstated back into service with all back / consequential benefits.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant


Navid Ali

Through Counsels,


Aziz-ur-Rahman


Imdad Ullah

Advocates Swat

5/

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Navid Ali Ex-Constable No. 2761 Swat Police.

...Appellant

VERSUS

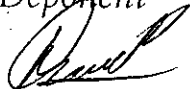
The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

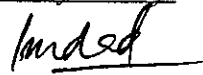
AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.

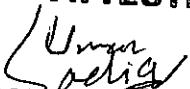
Deponent


Navid Ali

Identified By:


Imdad Ullah
Advocate Swat

ATTESTED


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat.

No.....Date.....

6/

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Navid Ali Ex-Constable No. 2761 Swat Police.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

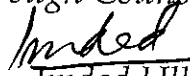
ADDRESSES OF THE PARTIES

Appellant:

Navid Ali Ex-Constable No. 2761 Swat Police.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer Malakand Range at
Saidu Sharif, District Swat.
3. The District Police Officer District Swat at
Gulkada.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

ORDER

This order will dispose of the departmental enquiry conducted against Constable Navid Ali No.2761, that he while posted to JIS Police Lines has absented himself from duty without prior permission or leave vide D.D. No.19 w.e.f. 28-11-2016 up till now as per report of Lines Officer, JIS Police Lines dated 21-12-2016.

He was issued Charge Sheet coupled with Statement of Allegations vide this office No.19/EB, dated 30-01-2017 and SDPO/Khwaza Khela Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Constable and recorded the statements of all concerned. The Enquiry Officer has provided ample opportunity to the delinquent Constable to defense the absence rendered by him, but the delinquent Constable did not bothered to do so. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he intimated that the allegations leveled against the above named delinquent Constable are proved during enquiry and recommended him for Major Punishment. Consequently he was issued Final Show Cause Notice vide this office No.6957/EB, dated 16-05-2017 to defense the absence rendered by him, but he did not submitted his reply. He was also called in Orderly Room but he did not appear to present plausible defense for his absence.

Having perused his service record, it was patently evident that the delinquent officer Constable Navid Ali No.2761 is addicted to a chronic absentee and this act shows that he is not interested to continue his service further. Forgoing in view the undersigned is of considered opinion that there are no chances that Constable Navid Ali No.2761 will rejoin his services and also becomes an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Muhammad Ijaz Khan, PSP, District Police Officer, Swat as a competent authority, am constrained to take Ex-Parte action and award him the major punishment of Dismissal from service from the date of his absence i.e. 28-11-2016.

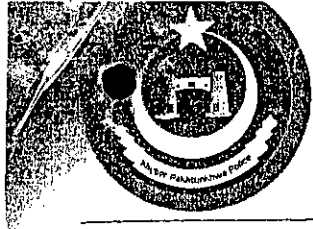
Order announced.

District Police Officer, Swat

O.B. No. 113

Dated 6/7/2017.

Attested
Inded
Advocate



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

Annexure ^B
8/

ORDER:

The following Ex-Constable / Ex-SPF of the Districts noted against each, submitted applications for reinstatement in Service. Their applications were thoroughly examined and found long time barred having no legal justification to consider, hence their applications are hereby filed:-

S. No	Name and No	District	Date of Dismissal
1.	Ex-Constable Fath-Ur-Rehman No. 1192	Chitral	27/04/2016
2.	Ex-Constable Sayed Arif Shah No. 473	Dir Lower	07/11/2009
3.	Ex-Constable Muhammad Naeem No. 1532	Dir Lower	30/04/2013
4.	Ex-Constable Zahidullah No. 1106	Dir Lower	06/02/2008
5.	Ex-Constable Saleh Muhammad No. 1713	Dir Lower	18/12/2014
6.	Ex-Constable Sajjad Ahmad No. 790	Dir Upper	17/12/2009
7.	Ex-Constable Naveed Ali No. 2761	Swat	06/07/2017
8.	Ex-SPO Imran Ullah No. 524/SPF	Buner	21/12/2012

The applicants of yours respective Districts may be informed accordingly, please.

(AKHTAR HAYAT KHAN)
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 4008-12 /E,

Dated 24-04- 2018.

Copy to all District Police Officers, in Malakand Region except District Police Officer, Shangla for information and necessary action. The applicants of your respective District may be informed accordingly please.

Attested
Inded
Advocate

8A/ لجنہ صواب د. پ. ا. صواب سوات عینام نقل کردہ

درخواست سراد و سواتی نقل آرڈر جاری کردہ
صواب ریجنل پولیس آفسر صاحب ملائذ ڈوٹرن

صواب عالی

تحریر میں کی جاتی ہے کہ من مابین نے صواب ریجنل پولیس آفسر
صاحب ملائذ ڈوٹرن کو حکمانہ اپیل تیار کی تھی۔ مذکورہ اپیل
کے بابت معلوم ہوا ہے کہ صواب ریجنل پولیس آفسر صاحب ملائذ
نے خارج کی ہے اور متعلقہ ضلع پولیس آفسران کو کاپیاں ارسال
کی ہیں۔

لجنہ استدعا ہے کہ مذکورہ درخواست عینام سے
کو مقررہ اپیل آرڈر کی تصدیق شدہ نقل عطا کرنے کا
حکم صادر فرمایا جائے۔ نو مین نوٹز میں موجود

ملاحظہ
ملاحظہ

نورید خان سلفی
ریجنل پولیس آفسر
2761

سوات
والدین
03479839719
22/5/2018

To
For Macation
9/2018

order copy handed over to
custody counsel on 22-5-2018.

Attested
Iqbal
Advocate

Revised
Punjab

22-5-2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Navid Ali

Appellant

VERSUS

The PPO K.P. and others Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 22 day of 05 2018.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

NAVEED KHAN

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746