



S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.03.2021	<p><u>Present.</u></p> <p>Mr. Arifullah, ... For appellant Advocate</p> <p>Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents.</p> <p>Vide our detailed judgment in Service Appeal No. 593/2018 (Sher Rehman Vs. Inspector General of Police, Khyber Pakhtunkhwa Peshawar and three others), the appeal in hand is also dismissed. Parties are, however, left to bear their respective costs.</p> <p>File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 08.03.2021</p>

19.08.2020

Due to summer vacations, the case is adjourned to 21.10.2020 for the same.

  
Reader

21.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Zewar Khan, Inspector for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 11.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member

  
Chairman

11.01.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19, the case is adjourned for the same on 08.03.2021 before D.B.

  
READER


10.02.2020

Clerk to counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zewar Khan, S.I (Legal) for the respondents present. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to death of his uncle. Adjourned to 13.04.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

*Due to Covid-19, the case is adjourned. To come up for the same on - 01-07-2020*


  
Reader

01.07.2020

Learned counsel for the appellant and Addl: AG alongwith Mr. Zewar Khan, Inspector for the respondents present.

Former requests for adjournment to further prepare the brief.

Adjourned to 19.08.2020 before D.B.

  
Member

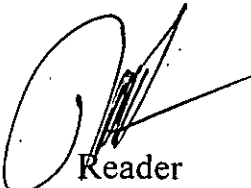
  
Chairman

02.08.2019 Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Zewar Khan SI present. Clerk to counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 29.10.2019 before D.B.

  
Member

  
Member

29.10.2019 Due to incomplete bench the case is adjourned. To come up for the same on 10.12.2019 before D.B.

  
Reader

10.12.2019 Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 10.02.2020 before D.B.

  
Member

  
Member

17.1.2019

Counsel for the appellant and Addl. AG alongwith Akhtar Said ASI for the respondents present.

Parawise reply on behalf of respondents has been submitted. To come up for arguments before D.B on 28.03.2019. The appellant may submit rejoinder, if so desires, within a fortnight.

  
Chairman

28.03.2019

Due to general strike of the bar, the case is adjourn. To come up for rejoinder/arguments on 17.06.2019 before D.B.

  
Member

  
Member

17.06.2019

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 02.08.2019 before D.B.

  
Member


  
Member

Service Appeal No. 505/2018

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 25.10.2018 before S.B.

25-10-18

  
(Ahmad Hassan)  
Member

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 11-12-2018

*for file*  
Reader

11.12.2018

Clerk of the counsel for appellant present. Mr. Zaver Khan, S.I (Legal) alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 17.01.2019 before S.B.

  
Muhammad Amin Khan Kundi  
Member

22.06.2018

Clerk of the counsel for appellant present and seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 09.07.2018 before S.B.

*MA*

(Muhammad Amin Khan Kundi)

Member

09.07.2018

Appellant Muhammad Amin in person along with his counsel present and heard on preliminary.

Contends that the appellant has been discharge from service but without adopting the legal procedural formalities.

Points raised need consideration. The appeal is admitted to full 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. Case to come up for written reply/comments on 27.08.2018 before S.B.

Appellant Deposited  
Security & Process Fee

*[Signature]*

*[Signature]*

Chairman

Form-A

FORM OF ORDERSHEET

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

Case No. 505/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/04/2018	<p>The appeal of Mr. Muhammad Amin resubmitted today by Mr. Arifullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 11/4/18</p>
2-	12/04/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/04/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	26.04.2018	<p>Clerk of the counsel for appellant present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on <u>22.06.2018</u> before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>




The appeal of Muhammad Amin son of Muhammad Rahim Ex-Constable No. 2146 Distt. Lower Dir received today by i.e. on 05.04.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of impugned order dated 15.03.2013 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal.
- 5- Approved file cover is not used.
- 6- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 691 /S.T,

Dt. 06/04 /2018

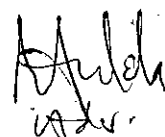
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Arifullah Khan Adv. Pesh.

Sir,

1. Memorandum of appeal has been signed
2. Annexures are flagged
3. Impugned order dt 15.7.13 is at page-6 whereby the order has been made upon it
4. NO Charge sheet, show cause has been received by the appellant
5. Approved file cover is used and also spare copies are attached herewith.

Re-submitted, Alz.

  
Arifullah  
Adv.

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 505 /2018

Muhammad Amin

(Appellant)

**V E R S U S**

Inspector General of Police, KP, Peshawar and others

(Respondents)

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2	Affidavit		5
3	Copy of findings		6 - 8
4	Copy of departmental appeal <i>order</i>		9 - 10
5	Copy of medical slips		11 - 15
6	Wakalat Nama		16

Petitioner

Through

*Arif Ullah Khan*  
Arif Ullah Khan

M. Zia Ullah *M. Zia Ullah*  
Advocates, High Court,  
Peshawar.

Dated: 04.04.2018

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 505 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 492

Dated 5/4/2018

**Muhammad Amin S/o Muhammad Rahim**

Ex-Constable No. 2146, District Lower Dir Police,

R/o Village Gumbat, P.O. Ziarat, Talash Tehsil Timergara

(Appellant)

**V E R S U S**

- 1) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 2) Regional Police Officer, Malakand at Saidu Sharif, Swat
- 3) District Police Officer, Dir Lower & Timergara

(Respondents)

**Service Appeal against the dismissal / removal**  
**from service order dated 15.07.2013 passed by**  
**respondent No. 3, whereby the departmental**  
**appeal of the appellant was also turned down on**  
**12.03.2018.**

**Prayer:**

**On acceptance of this appeal, the impugned order**  
**dated 15.07.2013 whereby the appellant has been**  
**removed / discharged from the service may kindly**

Filed to-day  
Registrar.  
5/4/18

Re-submitted  
day. 11/4/18

be set aside and the appellant may kindly be re-  
instated in service.

Respectfully Sheweth,

The appellant most respectfully submits as under:

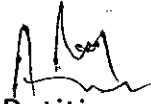
- 1) That the appellant was appointed as Constable on 26.12.2010, and was serving his job at Police Line Timergara.
- 2) That in the year 2013 the appellant mother was seriously ill and suffering from cancer and for the treatment of which a handsome expense was required due to which the appellant went to Saudi Arabia and he informed the department about that fact.
- 3) That when appellant came back, he came to know that he is discharged from the service vide order dated 15.07.2013. (Copy of findings of inquiry is attached)
- 4) That the appellant made the departmental appeal but same was turned down vide order dated 12/03/2018. (Copy of departmental appeal and order thereon are attached herewith)
- 5) That feeling aggrieved of the orders dated 15.07.2013 and 12.03.2018 the appellant approach this hon'ble court inter alia on the following amongst other grounds.

## GROUNDS

- a) That the appellant absence from duty was not wilfull or deliberate but due to the reasons that his mother was seriously ill, suffering from cancer and for her treatment a huge amount of expense was required, due to which he went to Saudi Arabia. (Copy of medical slips are attached herewith)
- b) That appellant after his appointment served the department for more than 2 years and has never given a chance of complaint to his superiors.
- c) That removal from service is a harsh punishment whereby the career of the appellant become spoiled.
- d) That appellant is never ever involved in any type of corruption or misconduct, hence the punishment and dismissal from service is against the law.
- e) That no proper procedure has been adopted hence the order of removal from service is illegal by all aspects.
- f) That any other ground will be taken and the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned order dated 15.07.2013 whereby the appellant has been removed / discharged from the service may kindly be set aside and the appellant may kindly be re-instated in service.

Any other relief which this hon'ble court deem proper  
and fit in the circumstances of the case may also be  
granted in favour of the petitioner.



Petitioner

Through



Arif Ullah Khan

M. Zia Ullah 

Advocates, High Court,

Peshawar

Dated: 04.04.2018

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

**Muhammad Amin**

\_\_\_\_\_ (Appellant)

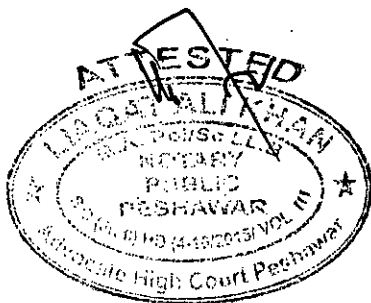
**V E R S U S**

Inspector General of Police, KP, Peshawar and others

\_\_\_\_\_ (Respondents)

**AFFIDAVIT**

I, **Muhammad Amin** S/o Muhammad Rahim, Ex-Constable No. 2146, District Lower Dir Police, R/o Village Gumbat, P.O. Ziarat, Talash Tehsil Timergara, do hereby solemnly affirm and declare on Oath that the contents of instant "**Service Appeal**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.



05 APR 2018

DEPONENT

*A. Amin*  
**Muhammad Amin**

فائینڈنگ رپورٹ

انکوائری نمبر 1426/EC مورخہ 20.06.013

برخلاف

کنشیل محمد امین نمبر 2146 متعینہ پولیس لائن تیرگرہ

جناب عالی:-

بحوالہ انکوائری بالا برخلاف کنشیل بالا معروض ہوں کہ کنشیل مذکورہ بالا مورخہ 26.12.2010 کا بھرنی اندہ ہے۔ DAR نمبر 2 پولیس لائن میں تعینات تھاں جہاں سے مورخہ 14.04.013 پولیس لائن تیرگرہ سے غیر حاضر ہو کر مذکورہ کے خلاف رپورٹ غیر حاضری درج روز نامہ ہو کر کا تنخواہ بحوالہ آرڈر نمبر 556 مورخہ 23.04.013 درج غیر حاضری سے بند کی گئی ہے، اور دستور غیر حاضر چلا کر رہا ہے جسکے خلاف جناب DPO صاحب نے پائین نے انکوائری کا حکم فرما کر انکوائری کاغذات من SDPO ہیڈ کوارٹر کو حوالہ ہوئی۔ حسب ضابطہ انکوائری شروع ہو کر دوران انکوائری لائن افسر شاد محمد خان SI اور MASI عبدالوہاب نے بیانات قلمبند ہو کر شامل انکوائری قابل ملاحظہ ہیں۔ نیز مذکورہ کنشیل کے پیشی واطلاعیاتی کیلئے بار بار جات ہائے SHO تھانہ تالاش کراچی کے لیکن مذکورہ کنشیل تاحال دفتر ہذا پیش قدمی نہ کر سکا۔ ہی مذکورہ کو چارٹیٹ ایشو ہو کر تاحال موصول نہیں ہوا ہے۔ جس پر مقامی پولیس نے مذکورہ کنشیل کے متعلق علاقہ مشران مسیمان سلمان ولد خان خیرادہ، سالار احمد ولد محمد ایاز ساکنان گمبت تالاش سے بیانات قلمبند ہر دو کسان نے اپنے بیان میں تحریر کیا ہے۔ کہ کنشیل محمد امین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش مزدوری کی خاطر بیرون ملک چلا گیا ہے۔ اور گھر خود میں عدم موجود ہے۔ بیان ہمراہ لفٹ لیا گیا ہے۔

ہذا ہیں۔

فائینڈنگ رپورٹ:- اسلئے بلند قلمبندی بیانات معلومات انکوائری سے پایا گیا کہ کنشیل مذکورہ بغیر اجازت مننت مزدوری کی خاطر بیرون ملک چلا گیا ہے۔ اور مستقبل قریب میں مذکورہ کا دوبارہ آمد امید نہیں ہے۔ مذکورہ کنشیل اب تک 82 روز غیر حاضر رہ چکا ہے اور دستور غیر حاضر چلا آ رہا ہے لہذا مذکورہ کنشیل محمد امین نمبر 2146 کو حکمہ ہذا سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخاستہ کی سفارش کی جاتی ہے۔

افس ڈی۔ پی۔ او/ ہیڈ کوارٹر

تیرگرہ ضلع دیرپاکستان

13-07-013

Agree with findings of the EO J  
default in establish Reg same to Saudi Arab  
and there is no info of his return  
Join the decision, therefore, he is dis-  
charged for service under P.A. 12-21

OB-10

94  
15/07/13

District Police Officer  
Dir Lower at Time

ATTACHED  
A. K. Khan  
(Armed Forces)  
Adv  
- P. A.

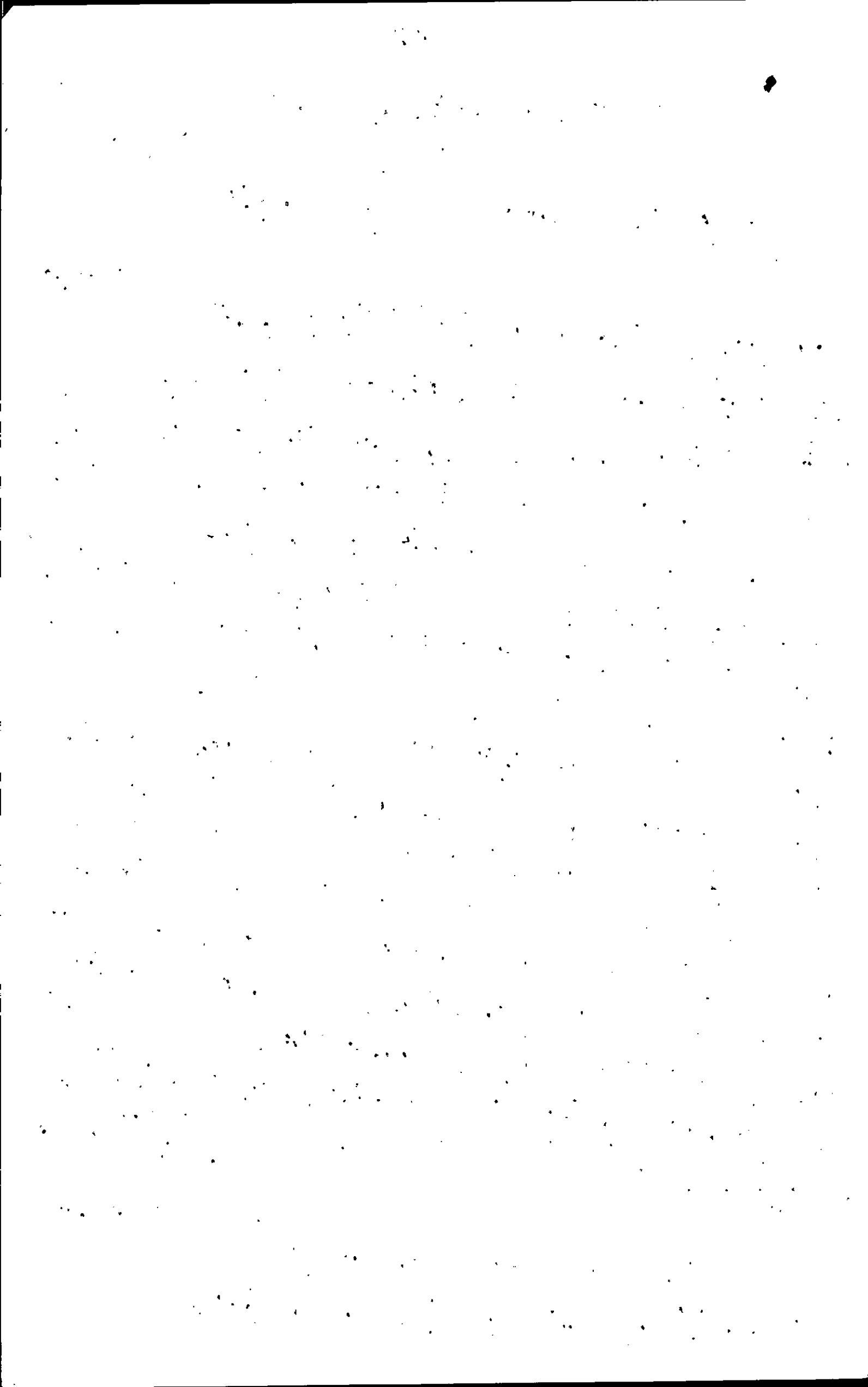


کنشیل محمد امین نمبر 2146 متعینہ پولیس لائن نمبر گره

بر خلاف

صناب عالی :-  
 خوالہ انٹوائٹری بالہ بر خلاف کنشیل بالہ معروض ہوں کہ کنشیل مذکورہ  
 بالہ مورخہ 26<sup>12</sup>/<sub>2010</sub> کا بھرتی شدہ ہے۔ DAR نمبر 2 پولیس لائن میں تعینات تھا۔  
 جہاں سے خوالہ مدد 45 روز نا لحاظ 4-013-14 پولیس لائن نمبر گره سے غیر حاضر ہو کر درخواست  
 کے خلاف رپورٹ غیر حاضری در 7 روز نا لحاظ ہو کر حسب کا تقواہ مورخہ آرڈر  
 بک نمبری 556 مورخہ 23-4-013 غیر حاضری سے بندگی تھی ہے اور بدستور  
 غیر حاضر جلا آرہا ہے۔ جس کے خلاف صناب DPO صاحب ضلع دیر بائیں نے  
 انٹوائٹری کا حکم و ناکر انٹوائٹری کا اخذات من SDPO صاحب خوارنگر کو روانہ ہوئی۔  
 صاحب صنابلہ انٹوائٹری شروع ہو کر بدوران انٹوائٹری لائن آفسر شہاد محمد خان  
 Si اور MASI عبدالوہاب کے بیانات و تصدیق ہو کر شامل انٹوائٹری اور قابل  
 ملاحظہ ہیں۔ نیز مذکورہ کنشیل کے پیشی و اطلاع عیانی کھیلے بار بار اطلاع جات  
 گئے SHO مقامہ تالاش کو ارسال کئے گئے لیکن مذکورہ کنشیل تاحال  
 دفتر چھڑا نہیں ہو سکا۔ اس کے بعد مذکورہ کو جارحیت ایسٹو ہو کر  
 تاحال موصول نہیں ہوا ہے جس پر مقامی پولیس نے مذکورہ کنشیل کے متعلق  
 عدالت صدران شعیان سمان ولد خان شہزادہ، سالار احمد ولد محمد ایاز ساکنان  
 گمبت تالاش سے بیانات قلمبند کر کے ہر دو کسان نے اپنے بیان میں تحریر کیا ہے  
 کہ کنشیل محمد امین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش نزدوری کے  
 خاطر بہرون ملک سعودیہ عرب چلا گیا ہے۔ اور پھر خود میں عدم موجودی ہے۔ بیان بہراہ  
 کفاح اطلاع پڑا ہے۔

فائینڈنگ رپورٹ :-  
 اس کے بعد تصدیقی بیانات و معلومات انٹوائٹری سے  
 پایا گیا کہ کنشیل مذکورہ بغیر اجازت خدمت نزدوری کی خاطر بہرون ملک



P-8 سعودی عرب چلا گیا ہے اور مستقبل قریب میں مذکورہ کا دوبارہ

آنے کی امید نہیں ہے۔ مذکورہ کنسٹیبل اہلکدہ 82 یوم غیر حاضر رہا ہے۔

لہذا مذکورہ کنسٹیبل محمد اسلم 2746 کو فحکمہ پٹنہ سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخواستگی سفارشی کی جاتی ہے۔

Sd  
ایس۔ ڈی۔ سی۔ او / عبدالغفور صاحب  
تعمیر گزہ ضلع دیر بامین

Agree with finding of the EO  
it transpired Constable has gone to  
Sandy Arab & there is no hope  
of his return to join the duties,  
therefore, he is discharged from service  
under P.R 12. 21 -

Sd  
District Police Officer  
Dir Lower Temergara

OB No. 94  
15.07.13

ATTESTED

(Signature)  
A-16

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page.]*

بھخور جناب ڈپٹی انسپکٹر جنرل صاحب پولیس ملاکنڈ ریجن سید و شریف سوات

عنوان :- درخواست برآمد بحالی ملازمت بحیثیت کنسٹیبل۔

جناب عالی!

گزارش بھخور انور حسب ذیل ہے۔

- 1- یہ کہ سائل تلاش ضلع دیر لور کے ایک غریب اور شریف گھرانے سے تعلق رکھتا ہے۔
  - 2- یہ کہ سائل مورخہ 26-12-2010 کو محکمہ پولیس ضلع دیر لور میں بحیثیت کنسٹیبل بھرتی ہو کر نمایاں پوزیشن کیساتھ ریکروٹس کورس پاس کر کے اپنی ڈیوٹی جانفشانی سے سرانجام دے رہا تھا۔ کہ 2013ء میں سائل کا والدہ صاحبہ شدید بیمار ہو کر جو کہ بعد ازیں بیماری کی وجہ سے وفات پا چکی ہے۔ جبکہ اسی دوران سائل کو والدہ صاحبہ کی تیمارداری کی وجہ سے غیر حاضر تصور کیا گیا۔
  - 3- یہ کہ چونکہ سائل کا غربت کی وجہ سے اور کوئی ذریعہ معاش نہیں تھا اور نہ ہی گھر کا دوسرا کوئی نارینہ فرد برسر روزگار تھا۔ بدیں وجہ سائل نے ایک دوسرے سے قرض رقم لیکر محنت مزدوری کی خاطر بیرون ملک دوہنی چلا گیا۔
  - 4- یہ کہ بعد ازیں سائل کو بوجہ غیر حاضری جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع دیر لور نے بحوالہ آرڈر بک نمبر 94 مورخہ 15-07-2013 نوکری سے ڈسچارج کیا گیا ہے۔ (نقل ہمراہ لف ہے)
- چونکہ اب سائل بیرون ملک سے واپس ہو کر انتہائی مقروض ہو چکا ہے۔ جبکہ سائل کا دیگر کوئی معاش بھی نہ ہونے کی وجہ سے تمام اہل خانہ کو شدید مشکلات کا سامنا ہے۔

لہذا اگر آنحضرت سائل کے انتہائی غربت اور تمام اہل خانہ کے مشکلات کو مد نظر رکھ کر اور سائل کے حالت زار پر رحم فرما کر محکمہ پولیس ضلع دیر لور میں دوبارہ بحیثیت کنسٹیبل بحال کرنے کا حکم صادر فرمادیں تو سائل تادم بھر دعا گو رہے گا۔

العارض

محمد امین سابقہ کنسٹیبل نمبر 2146 ضلع دیر لور پولیس

ولد محمد رحیم گاؤں گبت ڈاکخانہ زیارت تلاش تحصیل تیمرگرہ۔

موبائل نمبر: 0345-7087694

ATTESTED  
Arifullah  
(Arifullah)  
Adv

Attention Saidu

P-10



**OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.**

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


*Email: dlmalakand@yahoo.com*

**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 Rashid Ahmad No. 1834	Swat	21/02/2009
2.	Ex-Constable Mushtaq Ahmad No. 1007	Buner	24/08/2017
3.	Ex-Constable Muhammad Amin No. 2146	Dir Lower	15/07/2013
4.	Ex-Constable Anwar Said No. 1701	Swat	13/01/2009
5.	Ex-Constable Shah Aurang Zeb No. 341	Buner	24/04/2017
6.	Ex-Constable Kamal Khan (SPF) No. 2721	Swat	08/09/2015
7.	Ex-Constable Said Rahman (SPF) No. 123	Buner	15/06/2016

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

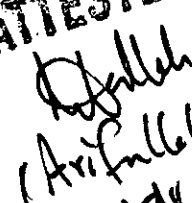
  
(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*  
9/03

No. 2503 /E,

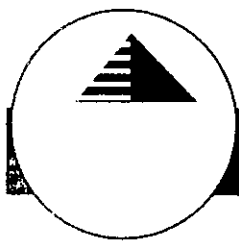
Dated 12-03-2018.

Copy to District Police Officers, Swat, Buner and Dir Lower for information and necessary action. The applicants of your respective District may be informed accordingly please.

\*\*\*\*\*

**ATTESTED**  
  
Arifullah  
Adv

P-11



# SIRAJ SHAHEED

Opp. D.H.Q Hospital, Bakhela  
Contact: 0932-415922, 0301-8800121

## Medical & Surgical Center

**Clinical Laboratory & X-Ray**  
Quality Lab: Services For All Diagnostic Tests

Patient Name: M/O Amin  
Sex: Female  
Consultant: Self Request  
Investigation: RBS  
Date: Sunday, May 01, 2016

Test	Result	units	Ex, Value
RBS(Random):	390	mg/dl	UPTO:140

**ATTESTED**  
*(Arifullah)*  
Arif

Note:  
: please Correlate Clinical.  
: For Quires and doubtful result ask the lab on the same day to repeat the test free of cost.  
: This report is not valid for medicological purpose.

Signature: \_\_\_\_\_

*(Faint signature or stamp)*

Collection Point: Shaukat Khanum Memorial Cancer Hospital & Research Center, Lahore.

Assistant Professor

اسستانت پروفیسر

**Dr. Ahmad Zeb Khan**

Consultation (By Appointment only)

**ڈاکٹر احمد زب خان**

MBBS, FCPS Medicine  
FCPS Nephrology  
Member International Society of Nephrology  
Member Pakistan Society of Nephrology  
Nephrologist & Medical Specialist  
Department of Nephrology  
Khyber Teaching Hospital Peshawar.  
E-mail: ahmad.zeb@hotmail.com

ایف بی ایس، ایف سی ایس میڈیسن  
ایف سی ایس نفرالوجی  
ممبر انٹرنیشنل سوسائٹی آف نفرالوجی  
ممبر پاکستان سوسائٹی آف نفرالوجی  
ڈپارٹمنٹ آف نفرالوجی  
کھبر ٹیچنگ ہسپتال پشاور  
فون: 374000

فون: 374000

Name Khalida  
Age & Gender 45yr F

Date 22/2/15

Temp 96  
B.P 120/80  
Pulse 96/min  
CVS }  
GIT } NAD  
Chest }  
CNS }

R Pain in @ Stomach  
Body aches  
Dysuria  
Knew DM

GPI  
A.C  
K.O  
T.C  
E.L  
SVP

UTI  
DM

ADU

B. Sugar / 220  
220/85  
Urine R/S WBC Norm  
KUS Xray

Result U/S

R Small kidney with  
HON & HOU  
L Kidney normal size  
shape & texture

Tinj 250M 2gm 1/2 W30

Tas Furoalin 100mg W20  
1+0

Tas Granule plus 1+1 W30

Tas Nebivol forte 1/2 - 1/2 W30  
Sup Novim 1+1+1

Abdullah  
(Arifullah)  
ADD



# ALI CLINICAL LABORATORY

ZEB MEDICAL CENTER (Phone No: 092(0945)607084 0305 9418330  
OPP: D H Q HOSPITAL TIMERGARA

Patient Name: M/O MOHAMMAD KARIM	Lab No: 25
Doctor Name: Dr ALI SB	Date: April 4, 2016

## URINE EXAMINATION

COLOUR	PALE YELLOW
PH	5.0
PROTINE	NIL
GLUCOSE	(++++)

## MICROSCOPIC EXAMINATION

Pus Cell	03---05/HPF
Red Cell	00---01/HPF
Ca Oxalate	NIL
G.cast	NIL
Epitilial Cell	NIL

TEST	RESULT	NORMAL RANGE
------	--------	--------------

BLOOD SUGAR®

430

70---140 mg/dl

*[Signature]*  
I/C LAB

**ATTESTED**  
*[Signature]*  
Anifullah  
Ad

# Dr. Raham Badshah

F.C.P.S. (Orthopaedic)

Orthopaedic Surgeon

Clinic: Zeb Medical Centre

Opp. D.H.Q. Hospital Timergara

Mob : 0344-9299556, 0301-8803514

58

S. No. ....

Patient's Name ..... Age ..... Date 4.4.18

Ⓞ  
 Ec Review + Triabellin  
 α Ray (B) ...  
 α Ray LIS ...  
 2. Blood Sugar ...

Capl Amaryl ✓  
 4mg

Capl Bexari 200  
 Capl Be Rev  
 Capl Maycobal  
 Capl 200

**ATTESTED**  
 Adh  
 (Arifullah)  
 Adh

کسی پر اعتبار نہ کریں دوائی دکھا کر جائیں۔ چھٹی بروز اتوار نوٹ: اگر اگلیاں سوج جائیں، نیلے پڑ جائیں، اور شدید تکلیف کی صورت میں فوراً رجوع کریں۔ شکریہ

P-13

**Dr. Faiz Muhammad**  
M.B.B.S. (Pesh)  
D.M.R.D. (Pub.)  
Radiologist Govt. Services Hospital  
and Satellite Centre,  
Kohat Road, Peshawar

# HABIB ULTRASOUND CLINIC



**Dr. Noor-Ul-Hadi**  
M.B.B.S. (Pesh)  
M.C.P.S. (Pak.)  
F.C.P.S. (Pub.)  
Graduate Ultrasound Diagnostic  
School Atlanta Ga, USA.

2nd Floor, Habib Medical Complex, Opposite Mission Hospital, Dabgari Gardens, Peshawar.

حبیب الطراساؤنڈ کلینک دوسری منزل حبیب میڈیکل کمپلیکس، بالتقابل مشن ہسپتال، ڈبگری گارڈن پشاور شہر

May You Live Long. (Aamin)

Pt. Name: > MST. KHALIDA BIBI.

Age: > YRS.

Consultant: > PROF. DR. ATA UR RAHMAN.

Dated: > 28-Feb-13

## ABDOMINAL ULTRASOUND

There is 1.3cm stone in the right proximal ureter, causing moderate dilatation of the collecting system. Both kidneys are otherwise of normal size and shape having adequate amount of cortex.

Liver and spleen are of normal size and echo pattern. GB appears normal. CBD and portal vein measure within normal limits. Pancreas and upper para aortic region appear normal. No free fluid in the peritoneal cavity. No abnormal distended or thick walled bowel loop noted.

## PELVIC ULTRASOUND

Uterus is of normal size and shape with collapsed cavity. No adnexal abnormality. Normal urinary bladder.

## IMPRESSION

1.3cm stone in Rt. Proximal Ureter, causing moderate dilatation of the collecting system.

Rest of the abdominal and pelvic organs appears normal.



ATTESTED  
*(Signature)*  
Adv

**Dr. Faiz Muhammad**

☎: 2217629, 2561960, Ext: 257

NIDO ALI  
(Med. Transcriptionist)

(Doctors & Patients are requested to provide relevant history of the patient on referrals for Radiological Examinations).

50 روپے	 	32369
ایڈوکیٹ: <u>Arif Ullah</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: <u>BC-17-7666</u>		
رابطہ نمبر: <u>0333-9682874</u>		

بعدالت جناب: چیرمین سروس ٹریبیونل خیبر پختونخواہ

منجانب:	دعویٰ:
Mohammed Amin	Service
بنام	علت نمبر:
A. G., Police	Appeal
	موضوع:
	جرم:
	تھانہ:

محمد امین کے لیے درخواست  
گورنمنٹ سروس ٹریبیونل

### باعث تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام M. Ziaullah Service Tribunal, Pk کیلئے Arifullah Syed Ziaur Rehman کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 5/4/2018

العبد گواہ شد العبد

مقام سروس ٹریبیونل خیبر پختونخواہ کے لیے منظور ہے۔

Arifullah  
Accepted  
Arifullah

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

Service Appeal No. 505/2018

Ex- Constable Muhammad Amin No.2146 r/o Lower Dir.....Appellant.

**VERSUS**

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

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S. No	Description of documents	Annex.	Pages
1.	Para wise comments	-	1-3
2.	Affidavit	-	4
3.	Power of Attorney	-	5
4	Enquiry report plus discharge order.	Annexure "A"	6
5.	Summary of allegations.	Annexure "B"	7
6	Better Copy Summary of allegations.	Annexure "B-1"	8
7.	Order book copy.	Annexure "C"	9
8	Copy of PR 12.21.	Annexure "D"	10

  
**DSP LEGAL**  
**Dir Lower**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

Service Appeal No. 505/2018

Ex- Constable Muhammad Amin No.2146 r/o Lower Dir

.....Appellant.

**VERSUS**

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

**PARA WISE REPLY ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS.**

- 1) That the present service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

**ON FACTS:**

1. Pertains to record, hence needs no comments.
2. Incorrect, the appellant being member of disciplined force had left the duty station on his own sweet will and gone to Saudai Arabia for labouring. The appellant badly violated the Spirit of discipline as he was required to bring the matter of illness of his mother into the notice of his senior and seek proper permission/ leave, but he failed to inform the department or his seniors about the facts and absented for long term.
3. Needs no comments.

4. The respondents rightly filed the appeal being long time barred having no legal authenticity.
5. Incorrect, the appellant has got no cause of action to file the instant appeal.


### GROUNDS

- (A) Incorrect, police service is active+ disciplined and there is no space available for police officer to continue other Job side by side. The appellant left the station willfully /deliberately on his own and gone to Saudi Arabia for laboring. He was required to put up these grievances before high ups through proper channel, but he did not do so.
- (B) Incorrect, the appellant being member of disciplined force committed gross misconduct by absenting himself from duty on his own and gone to Saudi Arabia for labouring. This aspect of the matter was a clear misconduct on the part of appellant. Furthermore the appellant has less then three years service, therefore he was discharged under Police Rules 1934 (12-21). Copy of the Police Rules attached as annexure "A".
- (C) Incorrect, the order was passed after careful scrutiny of evidence concerning the appellant. During process of inquiry, it was found that the appellant has gone abroad and there was no likelihood of his return. The elders of the area also clarified this facts in their statements. After concluding all the related evidence, the order was passed.
- (D) Incorrect, the order announced is in accordance with law and no illegality has been committed in whole process. The appellant committed gross mis-conduct by absenting himself willfully /intentionally without any leave or prior permission from his seniors.
- (E) Incorrect, proper procedure for enquiry has been adopted in whole process and the order passed is legal on all aspects.
- (F) The respondents also seek leave of this honourable Tribunal to rely on additional arguments at the time of hearing.

**PRAYER:**

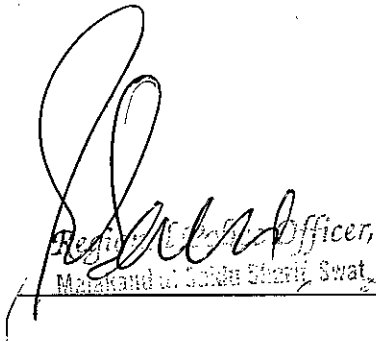
It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be dismissed with costs.

**Provincial Police Officer,**  
Khyber Pakhtunkhwa Peshawar.



---


**Regional Police Officer,**  
Malakand at Saidu Sharif, Swat.



Regional Police Officer,  
Malakand at Saidu Sharif, Swat.

---

**District Police Officer,**  
Dir Lower.



---

District Police Officer,  
Dir Lower at Timergara



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

Service Appeal No. 505/2018

Ex- Constable Muhammad Amin No.2146 r/o Lower Dir

.....Appellant.

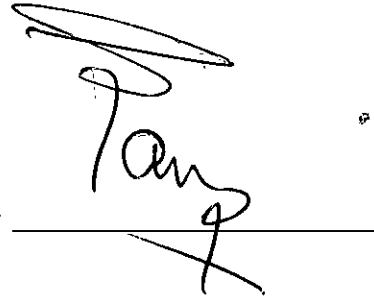
**VERSUS**

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar
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- 3) District Police Officer Dir Lower.....Respondents.

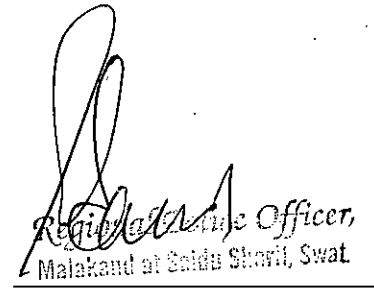
**AFFIDAVIT.**

We the following respondents do hereby solemnly affirm and declare on Oath that the contents of Para-wise reply are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal.

**Provincial Police Officer,**  
Khyber Pakhtunkhwa Peshawar.



**Regional Police Officer,**  
Malakand at Saidu Sharif, Swat.



Regional Police Officer,  
Malakand at Saidu Sharif, Swat.

**District Police Officer,**  
Dir Lower.



District Police Officer,  
Dir Lower at Timergara.

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

Service Appeal No. 505/2018

Ex- Constable Muhammad Amin No.2146 r/o Lower Dir

.....Appellant.

**VERSUS**

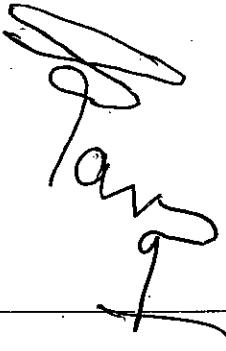
- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

**POWER OF ATTORNEY**

We the following respondents do hereby authorize Mr. Zewar Khan SI Legal Dir Lower to appear on our behalf before the Honorable service Tribunal in the above Service appeal and pursue the case on each and every date.


He is also authorized to submit all the relevant documents in connection with the above Service Appeal.

**Provincial Police Officer,**  
Khyber Pakhtunkhwa Peshawar.



---

**Regional Police Officer,**  
Malakand at Saidu Sharif, Swat.



*Regional Police Officer,*  
*Malakand at Saidu Sharif, Swat.*

---

**District Police Officer,**  
Dir Lower.



**District Police Officer,**  
**Dir Lower at Timergara.**

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انکوائری نمبری 1426/EC مورخہ 20.06.013

برخلاف

کنشیل محمد آمین نمبر 2146 متعینہ پولیس لائن تیرگرہ

جناب عالی:-

بجوالہ انکوائری بالا برخلاف کنشیل بالا معروض ہوں کہ کنشیل مذکورہ بالا مورخہ 26.12.2010 کا بھرتی شدہ ہے۔ DAR نمبر 2 پولیس لائن میں تعینات تھا۔ جہاں سے مذکورہ بجوالہ مد 45 روز ناچے ہو کر جسکا تنخواہ بجوالہ آرڈر بک نمبری 556 مورخہ 23.04.013 تاریخ غیر حاضری درج روز ناچے ہو کر جسکا تنخواہ بجوالہ آرڈر بک نمبری 556 مورخہ 23.04.013 تاریخ غیر حاضری سے بند کی گئی ہے، اور بدستور غیر حاضر چلا آ رہا ہے۔ جسکے خلاف جناب DPO صاحب ضلع دیر پائین نے انکوائری کا حکم فرما کر انکوائری کاغذات من SDPO ہیڈ کوارٹر کو حوالہ ہوئی۔

حسب ضابطہ انکوائری شروع ہو کر بدوران انکوائری لائن افسر شاد محمد خان SI اور MASI عبدالوہاب کے بیانات قلمبند ہو کر شامل انکوائری اور قابل ملاحظہ ہیں۔ نیز مذکورہ کنشیل کے پیشی و اطلاعیاتی کیلئے بار بار پروانہ جات ہائے SHO تھانہ تالاش کو ارسال کئے گئے لیکن مذکورہ کنشیل تاحال دفتر ہذا پیش نہ ہو سکا۔ اور ساتھ ہی مذکورہ کو چارٹیٹ ایٹو ہو کر تاحال موصول نہیں ہوا ہے۔ جس پر مقامی پولیس نے مذکورہ کنشیل کے متعلق علاقہ مشران مسلمان سلمان ولد خان شہزادہ، سالار احمد ولد محمد ایاز ساکنان گمبت تالاش سے بیانات قلمبند کر کے ہردو کسان نے اپنے بیان میں تحریر کی ہے۔ کہ کنشیل محمد آمین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش محنت مزدوری کی خاطر بیرون ملک سعودی عرب چلا گیا ہے۔ اور گھر خود میں عدم موجود ہے۔ بیان ہمراہ لف انکوائری ہذا ہیں۔

فائینڈنگ رپورٹ:- اسلئے بعد قلمبندی بیانات و معلومات انکوائری سے پایا گیا کہ کنشیل مذکورہ بغیر اجازت محنت مزدوری کی خاطر بیرون ملک سعودی عرب چلا گیا ہے۔ اور مستقبل قریب میں مذکورہ کا دوبارہ آنے کی امید نہیں ہے۔ مذکورہ کنشیل اب تک 82 یوم غیر حاضر رہ چکا ہے اور بدستور غیر حاضر چلا آ رہا ہے۔ لہذا مذکورہ کنشیل محمد آمین 2146 کو محکمہ ہذا سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخاست کر نیکی سفارش کی جاتی ہے۔

Agreed with findings & the EO the defaulters consist Naz Jome to Saudi Arabia and there is no hope of his return to join the duties, there fore, he is here by discharged from service under P.R. 12.21.

ایس۔ ڈی۔ پی۔ او/ ہیڈ کوارٹر

تیسرگرہ ضلع دیر پائین

20.06.13

941

PR-10

20.06.13

District Police Officer

Annex B

1426  
20/06/2013

DISCIPLINARY PROCEEDINGS

1. Muhammad Asim, District Police Officer, Tir Lower at Timergara as charge on violation of the provision that you as constable Muhammad Arif No.2146, have rendered yourself liable to be proceeded against departmentally as you have committed the following act/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That while he posted at Tir Lower Timergara absconded himself from his duty with effect from 20/06/2013 to date without any leave or prior permission from his superior officer.

2- For the purpose of ascertaining the conduct of said officer with reference to the above allegation, Mr. Chahar Ahmad Khan SPO S/Os is appointed as enquiry officer.

3- The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record his findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4- The accused officer shall join the proceeding on the date, time and place fixed by the enquiry officer.

*[Signature]*  
District Police Officer,  
Tir Lower at Timergara.

No. 10870-71 P.C. dated 20/6 2013

- 1- Mr. Chahar Ahmad Khan SPO S/Os (Enquiry Officer) for initiating proceeding in the light of the attached original documents containing 03 sheets against the accused Muhammad Arif No.2146, under Police Rules 1975.
- 2- Constable Muhammad Arif No. Muhammad Baham no Gumbra Talash PS Talash

District Police Officer,  
Tir Lower at Timergara.

DISCIPLINARY ACTION.

I Muhammad Ijaz Abid District Police Officer Dir Lower at Timergara as competent authority as of the opinion that you Constable Muhammad Amin No. 2146 have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATIONS.

That while he posted in Police line Timergara absented himself from his duty with effect from 14.04.2013 to date without any leave or prior permission from his superior which shows gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations Mr. Ghulam Ahad Khan SDPO HQrs is appointed as enquiry officer.
3. The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer record its findings and make within twenty five (25) days of the receipt of the order, recommendation as to punishment or other appropriate action against the accused officer.
4. The accused officer shall join the proceeding on the date time and place fixed by the enquiry officer.

Sd/-

District Police Officer,  
Dir lower at Timergara.

No. \_\_\_\_\_/EC, dated 20.06.2013.

1. Mr. Ghulam Ahad Khan SDPO HQrs (Enquiry officer) for initiating proceeding in the light of the attached original documents containing 03 sheets against the accused Muhammad Amin No. 2146 under Police Rules 1975.
2. Constable Muhammad Amin s/o Muhammad Amin r/o Gumbat Talash

Sd/-

District Police Officer,  
Dir lower at Timergara.

11/11/11

11/11/11

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Annex (C)

FORM No. 14.54 (4)

ORDER BOOK

Serial No.	Section Head	Details of Order
939 15-7	فاترہ سیکورٹی	<p>20-6-13 کو 1426/100 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>01/11/13 کو ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>Agreed with findings of the enquiring officer. The absence period of the defendant constable with 20-03-13 to 07-07-2013 i.e. 98 days treated as leave with out pay. His pay is released. He is also warned in writing to be careful in future.</p>
940	فاترہ سیکورٹی	<p>26-6-13 کو 1430 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>1889 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>Agreed with findings of the E.O. The period of his absence with 26-06-13 to 3-07-13 i.e. 69 days is treated as leave with out pay. His pay is released. He is given last warning to be careful in future.</p>
[Redacted]	فاترہ سیکورٹی	<p>20-6-13 کو 1426/100 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>Agreed with findings to the E.O. The defendant constable has gone to South Punjab &amp; there is no hope of his return to join the duties. Hence he is hereby discharged from service under Pt. 17-21.</p>
942	فاترہ سیکورٹی	<p>10-8-13 کو 443 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p> <p>1300 کے تحت ایف. آئی. سی. کے پاس پورے دن کی سروس کی گئی۔</p>

FORM No. 14.54 (4)

ORDER BOOK

Serial No.	Section Head	Details of Order
943	Order	The following transfer / Posting
15-7-		arrangements the upper mentioned are here by enclosed with immediate effect
		D.S. Nazim Khan of staff Pt. Munda to Ps. staff Pt. Talash
		D.S. Habib Ullah Khan of staff Pt. Munda to Ps. staff Pt. Munda
		D.S. Rahmat Ullah Khan of staff Pt. Munda to Ps. staff Pt. Talash
		D.S. Mubet Raza Khan of staff Pt. Munda to Ps. staff Pt. Talash
		D.S. Mubet Raza Khan of staff Pt. Munda to Ps. staff Pt. Talash
		D.S. Mubet Raza Khan of staff Pt. Munda to Ps. staff Pt. Talash
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		D.S. Mubet Raza Khan of staff Pt. Munda to Ps. staff Pt. Talash

15-07-013



parties may be despatched, if necessary, and any Police Officer who produces really good recruits should be given some reward in addition to travelling allowance. The dates of enlistment of recruits shall however, as far as possible, be regulated to ensure that a sufficient number of men are enrolled on the same date to form a training squad to proceed from start to finish of their recruits training according to the prescribed syllabus.

**12.21. Discharge of inefficient:** A constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment. There shall be no appeal against an order of discharge under this rule.

**[Sindh Amendments: In rule 12.21]** between the word "Constable" and the word "who" the words "or a Head Constable in the Telecommunication of Sindh Reserve Police recruited by initial appointment".

<sup>10</sup> **12.21-A. Retirement from service:** Notwithstanding anything contained in these rules, a subordinate Police Officer shall retire from service.

- (i) On such date after he has completed twenty-five years service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct; or
- (ii) Where no direction is given under clause (i), on the completion of the sixty years of his age.]

**CASE-LAW**

**Discharge from service of a Police Constable. Representation. Right to.** Order of civil servant's discharge owing to his unauthorized absence, otherwise not falling within precincts of R. 12.21 of Police Rules, 1934. Appeal, even if was barred under R. 12.21 yet civil servant being Constable in Police Department, was within his right to resort to making representation to next higher Authority within thirty days of the impugned order as envisaged under S. 23(2) of act (XIV of 1973). [1992 PLC (C.S.) 666].

Discharge of police constable, could be made under R. 12.21, Police Rules, 1934 when he was unlikely to prove as "efficient police officer", but not in case when a constable was discharged on ground that he was not likely to become "good police officer". There being marked difference between the words "efficient police officer" and "good police officer", it could not be said that order of discharge passed against constable was covered by the said Rule. Constable having been discharged with stigma of having remained absent unauthorisedly he was entitled to show-cause notice. Unauthorised absence being prejudicial to good order or discipline in police force amounted to "misconduct" thus formal disciplinary action should have been taken against constable. [1992 PLC (C.S.) 666].

**12.22. Certificate of appointments:** (1) Every enrolled officer shall be given a certificate of appointment in the form prescribed by the Police Act (Form 12.22(1)) and shall sign a receipt therefor in his character roll. Such certificate shall be signed by the Gazetted Officer empowered to make the appointment.

9. Inst. vide Notifi. No. S. O. (T.II) 8-45/85/1760, dated 25.10.1989. [P L D 1990 Sindh St.31].  
 10. 2. After rule 12.21, new rule "12.21-A inst. by No. POL-HD|2-134|84, dated 26th October, 1986. [P L D 1987 Sindh St. 5].

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 505 /2018

**Muhammad Amin**

\_\_\_\_\_ (Appellant)

**V E R S U S**

Inspector General of Police KP Peshawar and others

\_\_\_\_\_ (Respondents)

**REJOINDER**

**Respectfully Sheweth,**

The appellant most respectfully submits as under:

In response of preliminary objection it is respectfully submitted that the present service appeal is maintainable by all aspect and service tribunal has got jurisdiction to entertain it while there is no limitation for the void order.

**In reply to the facts:**

- 1) That the appellant was appointed as Constable on 26.12.2010, and was serving his job at Police Line Timergara.

- 2) That in the year 2013 the appellant's mother were seriously ill and suffering from severe deceases, and for the treatment of which a handsome expense was required due to which the appellant went to Saudi Arabia and he informed the department about that fact.
- 3) That when appellant came back, he came to know that he is discharged from the service vide order dated 15.07.2013. (Copy of findings of inquiry is attached)
- 4) That the appellant made the departmental appeal but same was turned down vide order dated 12.03.2018. (Copy of departmental appeal and order thereon are attached herewith)
- 5) That feeling aggrieved of the orders dated 15.07.2013 and 12.03.2018 the appellant filed the present appeal.

**On Grounds:**


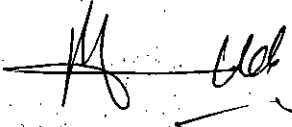
- a-f) That the appellant absence from duty was not wilfull or deliberate but due to the reasons that his mother was seriously ill, suffering from severe diseases and for their treatment a huge amount of expense was required, due to which he went to Saudi Arabia. The appellant after his appointment served the department for more than 2 years and has never given a chance of complaint to his superiors. The removal from service is a harsh punishment whereby the career of the appellant become spoiled. The appellant is never ever involved in any type of corruption or misconduct, hence the punishment and dismissal from

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service is against the law. That no proper procedure has been adopted hence the order of removal from service is illegal by all aspects. That any other ground will be taken and the time of arguments.

It is, therefore, most humbly prayed that on acceptance of REJOINDER, the impugned order dated 15.07.2013 whereby the appellant has been removed / discharged from the service may kindly be set aside and the appellant may kindly be re-instated in service. Any other relief which this hon'ble court deem proper and fit in the circumstances of the case may also be granted in favour of the petitioner.

Appellant

Through

  
Arif Ullah Khan  
M. Zia Ullah   
Advocates, High Court,  
Peshawar

Dated: 28.02.2019

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

**Muhammad Amin**

\_\_\_\_\_  
(Appellant)

**V E R S U S**

**Inspector General of Police KP Peshawar and others**

\_\_\_\_\_  
(Respondents)

**AFFIDAVIT**

I, **Muhammad Amin** S/o Muhammad Rahim, Ex-Constable No. 2146, District Lower Dir Police, R/o Village Gumbat, P.O. Ziarat, Talash Tehsil Timergara, do hereby solemnly affirm and declare on Oath that the contents of instant "REJOINDER" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT

  
\_\_\_\_\_  
**Muhammad Amin**

