505/2018

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
		Present. Mr. Arifullah, Advocate ... For appellant Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents. 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. File be consigned to the record room. CHAIRMAN (ATIQ-UR-REHMAN WAZIR) Member(E) ANNOUNCED 08.03.2021
	08.03.2021	

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. Zewer 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.

(Ahmad Hassan)
Member

25-10-18 Due to Retirement of Honorable chairman the Tribunal is non functional therefor the case is adjourned to come up for the same on 11-12-2018

Reader

11.12.2018 Clerk of the counsel for appellant present. Mr. Zawer 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.

(Muhammad Amin Khan Kundi)
Member

09.07.2018 **Appellant Muhammad Amin in person alongwith 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

Chairman

Form-A

FORMOF 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	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. REGISTRAR 11/4/18
2-	12/04/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 26/04/18. CHAIRMAN
	26.04.2018	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 *22.06.2018* before S.B. Reader

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 6/4/18
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 recieved to the appellant
5. Approved file cover is used and also spare copies are attached herewith.

Re-submitted, Alz.

Adv.

BEFORE THE HONOURABLE
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 505 /2018

Muhammad Amin

_____(Appellant)

VERSUS

Inspector General of Police, KP, Peshawar and others

_____(Respondents)

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4	Copy of departmental appeal & order		9 - 10
5	Copy of medical slips		11 - 15
6	Wakalat Nama		16

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. 505 /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)

VERSUS

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

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 15.072.2013 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.

ATTESTED
NOTARY PUBLIC PESHAWAR
High Court Peshawar
05 APR 2018

DEPONENT

Muhammad Amin

فائینڈنگ رپورٹ

انکوائیری نمبری 1426/EC مورخہ 20.06.013

برخلاف

کنسٹیبل محمد آمین نمبر 2146 متعینہ پولیس لائن تیمرگرہ

جناب عالی:۔

بحوالہ انکوائیری بالا برخلاف کنسٹیبل بالا معروض ہوں کہ کنسٹیبل مذکورہ بالا مورخہ 26.12.2010 کا بھرتی شدہ ہے۔ DAR نمبر 2 پولیس لائن میں تعینات تھا جہاں سے بحوالہ مد 45 روز نامچہ 14.4.013 پولیس لائن تیمرگرہ سے غیر حاضر ہوکر مذکورہ کے خلاف غیر حاضری درج روزنامچہ ہوکر اسکا تنخواہ بحوالہ آرڈر بک نمبری 556 مورخہ 23.04.013 غیر حاضری سے بند کی گئی ہے، اور بدستور غیر حاضر چلا آرہا ہے۔ جسکے خلاف جناب DPO صاحب پائین نے انکوائیری کا حکم فرما کر انکوائیری کاغذات من SDPO ہیڈ کوارٹر کو حوالہ ہوئی۔

حسب ضابطہ انکوائیری شروع ہوکر دوران انکوائیری لائن افسر شاد محمد خان SI اور MASI عبدالوہاب بیانات قلمبند ہوکر شامل انکوائیری قابل ملاحظہ ہیں۔ نیز مذکورہ کنسٹیبل کے پیشی واطلاعیاتی کیلئے بار بار جات ھائے SHO تھانہ تالاش کے ارسال کئے گئے لیکن مذکورہ کنسٹیبل تاحال دفتر ھذا پیش نہ ہوسکا۔ ہی مذکورہ کو چارشیٹ ایشو ہوکر تاحال موصول نہیں ہوا ہے۔ جس پر مقامی پولیس نے مذکورہ کنسٹیبل کے علاقہ مشران مسمیان سلمان ولد خان شہزادہ، سالار احمد ولد محمد ایاز ساکنان گمبت تالاش سے بیانات قلمبند ہردو کسان نے اپنے بیان میں تحریر کیا ہے۔ کہ کنسٹیبل محمد آمین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش مزدوری کیخاطر بیرون ملک سعودی عرب چلا گیا ہے۔ اور گھر خود میں عدم موجود ہے۔ بیان ہمراہ لف ھذا ہیں۔

فائینڈنگ رپورٹ:۔ اسلئے بعد قلمبندی بیانات معلومات انکوائیری سے پایا گیا کہ کنسٹیبل مذکورہ بغیر اجازت محنت مزدوری کیخاطر بیرون ملک سعودی عرب چلا گیا ہے۔ اور مستقبل قریب میں مذکورہ کا دوبارہ آنے کی اُمید نہیں ہے۔ مذکورہ کنسٹیبل اب تک 82 یوم غیر حاضر رہ چکا ہے اور بدستور غیر حاضر چلا آرہا ہے لھذا مذکورہ کنسٹیبل محمد آمین 2146 کو محکمہ ھذا سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخاست کی سفارش کی جاتی ہے۔

Agree with findings of the E.O. [illegible] defaulter [illegible] has gone to Saudi Arabia and there is no hope of his return. Join the duties, therefore, he is dismissed from service under PR 12.21

ایس۔ڈی۔پی۔او/ ہیڈ کوارٹر
تیمرگرہ ضلع دیر پائین
[illegible]

District Police Officer
Dir Lower at Timergara

ATTESTED

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Better copy

فائینڈنگ رپورٹ

انکوائری نمبر 1426/EC مورخہ 20-06-013

بر خلاف

کنسٹیبل محمد امین نمبر 2146 متعینہ پولیس لائن ٹیمرگرہ

جناب عالی:-

بحوالہ انکوائری بالا بر خلاف کنسٹیبل بالا معروض ہوں کہ کنسٹیبل مذکورہ بالا مورخہ 26 12 2010 کا بھرتی شدہ ہے۔ DAR نمبر 2 پولیس لائن میں تعینات تھا۔ جہاں سے بحوالہ مد 45 روزنامچہ 14-4-013 پولیس لائن ٹیمرگرہ سے غیر حاضر ہو کر مذکورہ کے خلاف رپورٹ غیر حاضری در 10 روزنامچہ ہو کر جسکا تنخواہ بحوالہ آرڈر بک نمبری 556 مورخہ 23-4-013 غیر حاضری سے بند کی گئی ہے اور بدستور غیر حاضر چلا آرہا ہے۔ جسکے خلاف جناب DPO صاحب ضلع دیر بالا نے انکوائری کا حکم فرما کر انکوائری کا اختیارات SDPO صاحب ضلع دیر بالا کو حوالہ ہوئی۔ 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 کنسٹیبل کے پیشی وا طلاعیاتی کیلئے بار بار اطلاع جات تھانہ SHO تھانہ تالاش کو ارسال کئے گئے لیکن مذکورہ کنسٹیبل تاحال دفتر ہذا پیش نہ ہو سکا۔ اس کے بعد مذکورہ کو چارشیٹ ایشو ہو کر تاحال موصول نہیں ہوا ہے۔ جس پر مقامی پولیس نے مذکورہ کنسٹیبل کے متعلق علاقہ معززان شمیان سلمان ولد خان شہزادہ، سالار احمد ولد محمد ایاز ساکنان گمبت تالاش سے بیانات قلمبند کر کے ہر دو کسان نے اپنے بیان میں تحریر کی ہے کہ کنسٹیبل محمد امین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش نزدوری کے خاطر بیرون ملک سعودی عرب چلا گیا ہے۔ اور گھر خود میں علم موجود ہے۔ بیان ہمراہ فائینڈنگ رپورٹ ہذا ہیں۔

اسلئے بعد قلمبندی بیانات و معلومات انکوائری سے پایا گیا کہ کنسٹیبل مذکورہ بغیر اجازت محنت نزدوری کیخاطر بیرون ملک

P.8

سعودی عرب چلا گیا ہے۔ اور مستقبل قریب میں مذکورہ کا دوبارہ آنے کی امید نہیں ہے۔ مذکورہ کنسٹیبل اب تک 82 یوم غیر حاضر رہ چکا ہے اور بدستور غیر حاضر چلا آرہا ہے۔
لہٰذا مذکورہ کنسٹیبل محمد امین 2146 کو محکمہ ہٰذا سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخاست کی سفارش کی جاتی ہے۔

Sd
ایس۔ڈی۔پی۔او/ڈپٹی کمشنر
تیمرگرہ ضلع دیر پائین

Agree with finding of the EO
it transpired Constible has gone to
Saudy Arab & there is no hope
of his return to join the duties,
therefore, he is discharged from Service
under P.R 12.21 -

Sd
Distric police officer
DIR lower Temergara

OB No. 94
15.07.13

ATTESTED
(Arif Fullah)
Adv

P-9

بحضور جناب ڈپٹی انسپکٹر جنرل صاحب پولیس ملاکنڈ ریجن سیدو شریف سوات

عنوان:۔ درخواست بمراد بحالی ملازمت بحیثیت کنسٹیبل۔

جناب عالی!

گزارش بحضور انور حسب ذیل ہے۔

1۔ یہ کہ سائل تالاش ضلع دیر لوئر کے ایک غریب اور شریف گھرانے سے تعلق رکھتا ہے۔

2۔ یہ کہ سائل مورخہ 2010-12-26 کو محکمہ پولیس ضلع دیر لوئر 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 بر سر روزگار تھا۔ بدیں وجہ سائل نے ایک دوسرے سے قرض رقم لیکر محنت مزدوری کی خاطر بیرون ملک دوبئی چلا گیا۔

4۔ یہ کہ بعد ازیں سائل کو بوجہ غیر حاضری جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع دیر لوئر نے بحوالہ آرڈر بک نمبر 94 مورخہ 2013-07-15 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۔

لہٰذا اگر آنحضور 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 لوئر میں دوبارہ بحیثیت کنسٹیبل بحال کرنے کا حکم صادر فرماویں تو سائل تادم بھر دعا گو رہے گا۔

العارض

محمد امین سابقہ کنسٹیبل نمبر 2146 ضلع دیر لوئر پولیس

ولد محمد رحیم گاؤں گمبت ڈاکخانہ زیارت تالاش تحصیل تیمر گرہ۔

موبائل نمبر: 0345-2087694

ATTESTED
(Arif Ullah)
Adv

Attention Shaida

P.10

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.
Ph: 0946-9240381-83 & Fax No. 0946-9240390
Email: dlgmalakand@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
(Arif Ullah)
Adv

P-11

SIRAJ SHAHEED

Opp. D.H.Q Hospital Batkhela
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,Vlue
RBS(Random):	390	mg/dl	UPTO:140

ATTESTED
(Arif Ali)
Adv

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:_____

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

P-12

Assistant Professor

اسسٹینٹ پروفیسر

Dr. Ahmad Zeb Khan

Consultation (By Appointment only)

ڈاکٹر احمد زیب 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

ایم بی بی ایس، ایف سی پی ایس میڈیسن
ایف سی پی ایس نفرالوجی
ممبر انٹرنیشنل سوسائٹی آف نفرالوجی
ممبر پاکستان سوسائٹی آف نفرالوجی
نفرالوجسٹ و میڈیکل سپیشلسٹ
خیبر ٹیچنگ ہسپتال پشاور

گردہ امراض، ذیابیطس، بلڈ پریشر، سینہ، معدہ، شوگر، فالج

Name Khalida

Age & Gender 45yr F

Date 22/2/015

Temp (-)

B.P 120/80

Pulse 96/min

CVS
GIT
Chest
CNS
} NAD

. (R) lain Pain ≈ (R) Stone
. Bodyach
Dysuria fever
Known DM

GPE
A.P
K.P
T.P
ELN
JVP

Adm

. B. Sugar / urine 220/85
. urine R/E WBC Dem
. KUB xray

UTI
DM

Renal U/S
(R) Small kidney with HON & HDU & Cortex
(L) kidney Normal size shape / texture

Inj 2SUM 2gm 1/2 IV (بس)

Tab Fuvalin 100mg 1+0 (بس 20)

Tab Grantik plus 1+1 (بس 30)

Tab Nuberol forte 1/2-1/2 (بس 30)
Syp Navim 1+1+1

Khalida
(Arifullah)
ADM

P-13

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
Doctor Name: Dr ALI Sb
Lab No: 25
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

I/C LAB

ATTESTED

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

S. No. 58

Patient's Name ..... Age ..... Date 4.4.16

Tab Amaryl 4mg

Tab Brexin 20

Tab Brexin

Tab Mecobal

Tab Rabeprol 20

ATTESTED

کسی پر اعتبار نہ کریں دوائی دکھا کر جائیں۔ چھٹی بروز اتوار نوٹ: اگر انگلیاں 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 الٹراساؤنڈ کلینک دوسری منزل حبیب میڈیکل کمپلیکس، بالمقابل 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
(Arif Ali)
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).

قیمت 50 روپے

32369

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: [illegible]

بار کونسل/ایسوسی ایشن نمبر: BC-17-7666

رابطہ نمبر: 0333-9682874

بعدالت جناب: چیرمین سروس ٹریبیونل خیبر پختونخواہ پشاور

منجانب: Mohammed Amin

بنام

I.G., Police

دعویٰ:

علت نمبر: Service

مورخہ: Appeal

جرم:

تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام M. Ziaullah Service Tribunal KPK کیلئے Arifullah, Syed Ziaurrehman کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر 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 ونظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی 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 پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ 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، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 5/4/2018

العبد — گواہ شد — العبد

مقام سروس ٹریبیونل پشاور کے لیے منظور ہے۔

Attested
Accepted
Arifullah
Syed Ziaurrehman
Advocates

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

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 Pakhtunkhawa Peshawar.

2) Regional Police Officer Malakand at Saidu Sharif, Swat.

3) District Police Officer Dir Lower.....Respondents.

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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 Pakhtunkhawa 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 Pakhtunkhawa Peshawar
2) Regional Police Officer Malakand at Saidu Sharif, Swat.
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 Pakhtunkhawa 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.

Annex "A"

فائینڈنگ رپورٹ

انکوائیری نمبری 1426/EC مورخہ 20.06.013

برخلاف

کنسٹیبل محمد آمین نمبر 2146 متعینہ پولیس لائن تیمر گرہ

جناب عالی:۔

بحوالہ انکوائیری بالا برخلاف کنسٹیبل بالا معروض ہوں کہ کنسٹیبل مذکورہ بالا مورخہ 26.12.2010 کا بھرتی شدہ ہے۔DAR نمبر 2 پولیس لائن میں تعینات تھا۔جہاں سے مذکورہ بحوالہ مد 45 روز نامچہ 14.04.013 پولیس لائن تیمر گرہ سے غیر حاضر ہوکر مذکورہ کے خلاف رپورٹ غیر حاضری درج روزنامچہ ہوکر جسکا تنخواہ بحوالہ آرڈر بک نمبری 556 مورخہ 23.04.013 تاریخ غیر حاضری سے بند کی گئی ہے،اور بدستور غیر حاضر چلا آرہا ہے۔جسکے خلاف جناب DPO صاحب ضلع دیر پائین نے انکوائیری کا حکم فرما کر انکوائیری کاغذات من SDPO ھیڈ کوارٹر کو حوالہ ہوئی۔

حسب ضابطہ انکوائیری شروع ہوکر بدوران انکوائیری لائن افسر شاد محمد خان SI اور MASI عبدالوھاب کے بیانات قلمبند ہوکر شامل انکوایئری اور قابل ملاحظہ ہیں۔نیز مذکورہ کنسٹیبل کے پیشی واطلاعیابی کیلئے بار بار پروانہ جات ھائے SHO تھانہ تالاش کو ارسال کئے گئے لیکن مذکورہ کنسٹیبل تاحال دفتر ھذا پیش نہ ہوسکا۔اور ساتھ ہی مذکورہ کو چارشیٹ ایشو ہوکر تاحال موصول نہیں ہوا ہے۔جس پر مقامی پولیس نے مذکورہ کنسٹیبل کے متعلق علاقہ مشران مسمیان 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 کنسٹیبل محمد آمین نمبر 2146 ولد محمد رحیم ساکن گمبت تالاش محنت مزدوری کیخاطر بیرون ملک سعودی عرب چلا گیا ہے۔اور گھر خود میں عدم موجود ہے۔بیان ہمراہ لف انکوائیری ھذا ہیں۔

فائینڈنگ رپورٹ:۔اسلیئے بعد قلمبندی بیانات ومعلومات انکوائیری سے پایا گیا کہ کنسٹیبل مذکورہ بغیر اجازت محنت مزدوری کیخاطر بیرون ملک سعودی عرب چلا گیا ہے۔اور مستقبل قریب میں مذکورہ کا دوبارہ آنے کی اُمید نہیں ہے۔مذکورہ کنسٹیبل اب تک 82 یوم غیر حاضر رہ چکا ہے اور بدستور غیر حاضر چلا آرہا ہے۔لھذا مذکورہ کنسٹیبل محمد آمین 2146 کو محکمہ ھذا سے قواعد پولیس باب 12 فقرہ 21 کے تحت برخاست کرنیکی سفارش کی جاتی ہے۔

Agreed with findings of the E.O. The defaulter constable has fled to Saudi Arabia and there is no hope of his return to join the duties, therefore, he is hereby discharged from service under PR 12.21.

ایس۔ڈی۔پی۔او/ھیڈکوارٹر تیمر گرہ ضلع دیر پائین

District Police Officer
Timergara

Annex. "B"

Dated 1426

Dated 20/06/2013.

DISCIPLINARY ACTION

I, Muhammad [illegible] Khan District Police Officer, Dir Lower at Timergara as competent authority am 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 misconduct as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That while posted at Police Lines Timergara absented himself from his duty with effect from [illegible] to date without any leave or prior permission from his superiors which [illegible] his part.

2- For the purpose of scrutinizing the conduct of said officer with reference to the above allegation Mr. [illegible] Khan SP/HQrs 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 its 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.

District Police Officer,
Dir Lower at Timergara.

No. 10870-71 /EC dated 20/6 2013

1- Mr. Chabar Ahmad Khan SP/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 Afzal s/o Muhammad Rahim r/o Gumbat Talash PS Talash.

District Police Officer,
Dir Lower at Timergara.

Annex- "B-1" No. 1426/EC,
Dated 20.06.2013.

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.

Attested

SDPO/HQrs

CNIC 15302-9937671-1

Police Form No. 103

Annex "C"

GS&PD.NWFP.675/19-F.S.-500 R. of 100L-24.11.08/P4(Z)/Form Store Jobs/Police 103

FORM No. 14.54 (4)

ORDER BOOK

Serial No.	Section Head	Details of Order
939 15-7	فائنڈنگ رپورٹ	20-6-13 کو 1426/HC مورخہ [illegible] کے حوالہ انکوائری [illegible] جناب DPO صاحب کے زیر حکم شوکاز نوٹس [illegible] 1302/PC [illegible] جناب DPO صاحب نے [illegible] کی گئی۔ Agreed with finding of the enquiry officer. The absence period of the defaulter constable w.e.f. 20-03-013 to 01-07-2013 i.e. 98 days treated as leave with out pay. His pay is released. He is also warned in writing to careful in future.
940	فائنڈنگ رپورٹ	26-6-13 کو 1430/HC مورخہ [illegible] کے حوالہ انکوائری [illegible] 1880/HC [illegible] جناب DPO صاحب کے زیر حکم [illegible] جناب DPO صاحب نے [illegible] کی گئی۔ Agreed with findings of the E.O. The period of his absence w.e.f. 26-06-13 to 3-07-13 i.e. 68 days is treated as leave with out pay. His pay is released. He is given last warning to be careful in future.
[redacted]	فائنڈنگ رپورٹ	20-6-13 کو 1426/HC مورخہ [illegible] کے حوالہ انکوائری [illegible] جناب DPO صاحب [redacted] کی گئی۔ Agreed with finding to the E.O. The defaulter constable has gone to Saudi Arabia & there is no hope of his return to join the duties. Hence he is hereby discharged from service under PR. 13-21.
940	شوکاز نوٹس	[illegible] 16-8-13 کو [illegible] 1302 [illegible] کے حوالہ [illegible] [illegible]

GS&PD.NWFP.675/19-F.S.-500 R. of 100L-24.11.08/P4(Z)/Form Store Jobs/Police

FORM No. 14.54 (4)

ORDER BOOK

Serial No.	Section Head	Details of Order
943	Order	The following transfer / Posting
15-7-		amongst the under Subordinates
		are hereby ordered with immediate
		effect
	ASI Nawaz Khan	of Staff PS Mardan To PS Staff PS Takht
	ASI Habib Ur Rehman	Bhai To on promotion as
		Staff PS Mardan
	SI Rahat Zada Khan	Police Line To Vice DHQ Hospital
		T. Warden
	ASI Mubal Rauf Khan	Police Police To
	Dog instructor	Training of Motorcycle Staff
		at Police Line
944	[illegible]	[illegible] 318/Pc [illegible]
		[illegible] 25 [illegible]
		[illegible]
		[illegible]
		15-07-013

Annex (D)

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 inefficients: 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.

[9]**[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 secruited by initial appointment"].

[10]**["12.21-A. Retirement from service:** Notwithstanding anything contained in these rules, a subordiante 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 cetificate shall be signed by the Gazetted Officer empowered to make the appointment.

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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)

VERSUS

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

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)

VERSUS

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

ATTESTED 29 MAR 2019

Hafiz Muhammad Sadiq Durrani
Oath Commissioner
Advocate High Court Peshawar