

14.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 02.09.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)

02.09.2022

Appellant in peron present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted, therefore, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 13.10.2022 before S.B.



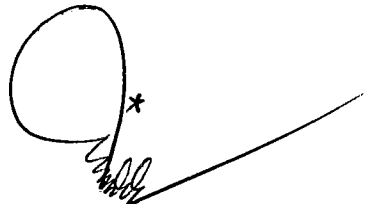
(Mian Muhammad)  
Member (E)

26.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while referring to the first round of litigation, started his arguments contending that the appellant has been serving the respondent-department as Constable since 27.05.2007. When FIR No. 1207 dated 02.10.2016 was registered against him under Section-15/17-AA at Police Station Banamari Peshawar, departmental proceedings were initiated against him as a result of which he was "dismissed from service" vide order dated 24.01.2017. He filed service appeal No. 284/2017 which was allowed vide judgement dated 21.05.2019. The respondents went in CPLA before the august Supreme Court of Pakistan which ordered de-novo enquiry in civil appeal No. 12 of 2021 dated 12.04.2021. Based on the report of de-novo enquiry, impugned order dated 19.07.2021 was issued which is alleged to have been received to the appellant on 09.11.2021 when he moved an application to the department for this purpose. His departmental appeal dated 11.11.2021 was partially accepted vide appellate impugned order dated 08.12.2021. It was further contended that the appellant was in judicial custody and no proper enquiry was conducted against him. The so called enquiry was conducted on his back and in his absence. The impugned orders are therefore, not maintainable under the canons of law and natural justice and may graciously be set aside.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 14.07.2022 before S.B.

  
(Mian Muhammad)  
Member(E)


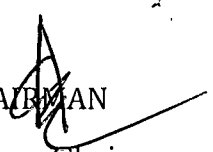

Rs-500/-  
Appellant Deposited  
Security & Process Fee  
A. J. 26/4/22

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7876/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2021	<p>The appeal of Mr. Muhammad Zaman presented today by Mr. Muhammad Zafar Tahirkheli 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;"> REGISTRAR</p>
2-	09.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>09/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

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

Service Appeal No. 7876/2021

Muhammad Zaman

**V**  
**ERSUS**

Govt of Khyber Pakhtunkhwa etc.


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**I N D E X**

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S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition			1-3
2	Order	"A"	08-12-2021	4
3	Departmental Appeal	"B"	11-11-2021	5-6
3	FIR	"C"	02-10-2016	7
4	Bail Order	"C1"	25-01-2017	8
5	Judgment	"C2"	21-05-2019	9-14
6	Service Appeal No. 284 / 2017	"C3"	-	15
7	Supreme Court Judgment	"D"	12-04-2021	16-18
8	Order	"E"	19-07-2021	19-20
9	Vakalatnama			21

Date:- 15-12-2021

  
(Muhammad Zafar Tahirkheli)  
Advocate,  
High Court Peshawar

  
(Ansar Ullah Khan)  
Advocate

①

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

Service Appeal No. \_\_\_\_\_/2021

Muhammad Zaman,  
Ex-Constable No. 598,,  
Laki District Police, Laki Marwat Khyber Pakhtunkhwa

..... Appellant

**Versus**

1. Inspector General of Police,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.
3. District Police Officer, Laki Marwat..

..... Respondents

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**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE ORDER DATED 08-12-2021 (ANNEX-A), WHEREIN THE  
DEPARTMENTAL APPEAL OF THE APPELLANT DATED 11-11-2021  
(ANNEX-B) WAS PARTIALLY ACCEPTED.**

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**"Prayer"**

- (a) By accepting this appeal and modifying order dated 08-12-2021 and allowing the appellant's service period with effect from 18-10-2016 to 18-05-2020 and 09-04-2021 to 15-07-2021 to be leave with full pay.
- (b) Any other relief deemed appropriate may also be allowed in addition to the relief claimed above.

=====

**Respectfully Sheweth,**

1. The appellant was initially appointed as Constable on 27-05-2007 and has been serving the department honestly and diligently to the utmost satisfaction of his superiors.
2. That while serving as Constable at Laki Marwat, a false and frivolous FIR No. 1207 dated 02-10-2016 P.S Bahana Marri Peshawar u/s 15/17AA was registered against him.

The departmental proceedings were initiated against the appellant, whereby after due process his services were terminated vide order dated 25-01-2017. The appellant preferred a departmental appeal followed by Service Appeal No. 284 / 2017, which was accepted vide order dated 21-05-2019 and he was reinstated in service. (Copy of departmental appeal annexed "C" to "C3")

3. The respondent department approached Supreme Court of Pakistan through CA No. 12 / 2021, which was disposed of vide order dated 12-04-2021 with the observation as under;

5. In the circumstances, while allowing the appeal and setting aside the impugned judgment, we remand the matter back to the Competent Authority to conduct a de novo inquiry on the Charge Sheet issued to respondent on 19-10-2016 and produced all relevant material and evidence, in respect of the charge alleged against the respondent and thereafter, proceed against the respondent in accordance with law.

6. as the matter is quite old, we expect that the Competent Authority shall have the inquiry conducted as early as possible, preferably, within a period of three months from receipt of this order.

SD CJ

(Copy of departmental appeal annexed "D")

7. That a de novo enquiry was interested to SP/ Invst: Lakki Marwat vide office letter dated 17-05-2021 who submitted his final report dated 02-07-2021, wherein the allegation leveled against the appellant were not proved. He was given the opportunity of personal hearing on 16-07-2021 and upon satisfaction of the worthy authority he was reinstated in service vide impugned order dated 19-07-2021.

However the service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 was treated as leave without pay. (Copy annexed "E")

8. The appellant preferred a departmental appeal dated 11-11-2021, which was partially allowed vide impugned order dated 08-12-2021, while converting 480 days period of leave without pay into 120 days leave on full pay and 360 days leave on half pay available on his credit/leave account with immediate effect. (Annex "A" & "B")

Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal for the redress of his grievance, inter-alia on the following:

**Grounds**

(a) The respondent department has acted in a most arbitrary manner while partially accepting the appellant's departmental appeal, in spite of the fact that he came out clean in his departmental inquiry initiated by the respondent department, which needs to be set right by this Hon'ble tribunal.

(b) That a de novo enquiry was interested to SP/ Invst: Lakki Marwat vide office letter dated 17-05-2021 who submitted his final report dated 02-07-2021, wherein the allegation leveled against the appellant were not proved. He was given the opportunity of personal hearing on 16-07-2021 and upon satisfaction of the worthy authority he was reinstated in service vide impugned order dated 19-07-2021.

However the service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 was treated as leave without pay to leave with pay without any plausible explanation, subject to correction by the worthy tribunal.

- (c). That due to the appellant's illegal removal his absence was during the intervening period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 was beyond his control. Thus treating only 120 days as leave on full pay and 360 days leave on half pay out of total 3 years, 10 months and 06 days, would be unjust and inequitable and subject to correction by the worth authority.
- (d). The absence of the appellant was beyond his control and he has been condemned for no fault on his part. Out of total absence of 03 years, 10 months and 06 days, the worthy authority has granted him relief only for 480 days available from his leave account.
- (e). The impugned omission is thus arbitrary, discriminatory, against the principles of equity, justice, law and proprietary, subject to correction by this worthy appellate authority.

In view of the above, it is humbly requested that,

i. By accepting this appeal and modifying the impugned order dated 08-12-2021 may kindly be modified and the appellant's service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 may kindly be considered as leave with pay with all the consequential benefits.

ii. Any other relief deemed appropriate may also be allowed in addition to the relief claimed above.

  
Appellant,

Through,

  
(Muhammad Zafar Tahirkheli)  
Advocate

  
(Ansar Ullah Khan)  
Advocate

Peshawar, dated  
15-12-2021

**Affidavit:**

I the appellant state on oath that contents of the above appeal are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal

  
Deponent



**Certificate:**

Certified that no other appeal has been filed prior to instant appeal on the subject matter before.

  
Appellant

My this order will dispose off departmental appeal, preferred by Constable Muhammad Zaman No.598/01 of District Police Lakki Marwat, wherein, he has requested for converting the period of leave without pay (03 years, 10 months & 06 days) into leave on pay.

Service record, inquiry file of the appellant and comments received from DPO Lakki were perused which depicts that the appellant was proceeded departmentally under Police Rules 1975 for committing the following misconduct:-

- He was charged in criminal case vide FIR No.1207 dated 02.10.2016 u/s 15AA/17AA PS Bana Mari Peshwar and arrested on the spot as evident from the source report received from Add: IGP Special Branch, KP Peshawar, vide letter No.29285-87/ID dated 03.10.2016.
- His motorcar bearing Registration No.3155/LXZ has been taken into possession by Peshawar police and during checking 08 Klashnikovs, 45 Pistols, 24000 rounds and 10 Magazine were recovered from the said vehicle.

The DSP/HQr: Circle Lakki Marwat had conducted inquiry into the allegations and submitted his findings, wherein, the E.O concluded that the allegations leveled against the appellant were proved and the competent authority (then DPO Lakki Marwat) awarded him major punishment of dismissal from service.

Aggrieved from the order, the appellant submitted an appeal to the then RPO Bannu Region (appellant authority) but his appeal was rejected vide this office Order Endst: No.885/EC dated 09.03.2017. Later on, the appellant preferred an appeal to KP Service Tribunal. The service tribunal accepted his appeal and reinstated the appellant into service vide judgment dated 21.05.2019. The police department lodged CPLA in Apex Supreme Court of Pakistan against judgment dated 21.05.2019 passed by KP Service Tribunal. The CPLA was accepted and the judgment of KP Service Tribunal dated 21.05.2019 was suspended. The appellant preferred Civil Appeal No.12/2021 against the judgment of Apex Supreme Court of Pakistan. The Apex Court allowed his appeal with the direction to conduct de-novo inquiry.

The DPO Lakki Marwat conducted de-novo inquiry through SP/Inv: Lakki Marwat. The E.O concluded that the allegations leveled against the appellant were not proved and the appellant was reinstated into service on 19.07.2021 by DPO Lakki Marwat with immediate effect and the out of service periods i.e 18.10.2016 to 18.05.2020 and 09.04.2021 to 15.07.2021 (total 03 years, 10 months & 06 days) were ordered to be leave without pay.

The appellant was also heard in person on 08.12.2021 and accepted his appeal partially.

Therefore, I, Sajid Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (with amendments 2014) hereby converted 480 days period of leave without pay into 120 days leave on full pay and 360 days leave on half pay available on his credit/leave account with immediate effect.

ORDER ANNOUNCED

No. 5852 /EC, dated Bannu the 08 /12/2021

Copy to District Police Officer, Lakki Marwat for information and n/action w/r to his office letter No.7813/EC dated 26.11.2021 along with complete service record which may be acknowledged please.

TRUE COPY

(SAJID ALI KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

(SAJID ALI KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

08/12/21.



Before the Regional Police Officer,  
Bannu Region, Bannu.

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APPELLANT'S DEPARTMENTAL APPEAL AGAINST ORDER DATED 19-07-2021
COMMUNICATED ON 09-11-2021
=====

PRAYER:

- i. By accepting this appeal and modifying the impugned order dated 19-07-2021 by converting the appellant's service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 as leave without pay to leave with pay.
ii. Further allowing the appellant with all the consequential benefits of continuous service w.e.f 18-10-2016 till 19-07-2021.

Respectfully Sheweth,

Constable Muhammad Zaman, No. 598 / 01, DPO Office Lakki Marwat, the appellant submits the following departmental appeal for your kind consideration and favour of acceptance.

- 1. The appellant was initially appointed as Constable on 27-05-2007 and has been serving the department honestly and diligently to the utmost satisfaction of his superiors.
2. That while serving as Constable at Laki Marwat, a false and frivolous FIR No. 1207 dated 02-10-2016 P.S Bahana Marri Peshawar u/s 15/17AA was registered against him. The appellant was arrested and was then released on bail vide order dated 07-10-2016 by the learned Judge-I / JSC.
3. That the departmental proceedings were also initiated against the appellant, whereby charge sheet and statement of allegation dated 19-10-2016 was served upon him. The appellant submitted his written reply within the prescribed period.
4. That DSP Headquarter Laki Marwat was appointed as Inquiry Officer, who submitted his inquiry report dated 21-12-2016. The appellant was then issued final show cause notice dated 09-01-2017. The appellant submitted his reply dated 16-01-2017, which was, however, not taken into consideration.

Resultantly the appellant services were terminated vide order dated 25-01-2017. The appellant preferred a departmental appeal dated 07-02-2017, which was finally refused vide order dated 09-03-2017.

- 5. Feeling aggrieved and finding no other remedy, the appellant approached the KP Service Tribunal through appeal No. 284 / 2017, which was accepted vide order dated 21-05-2019 and he was reinstated in service.

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6. The respondent department approached Supreme Court of Pakistan through CA No. 12 / 2021, which was disposed of vide order dated 12-04-2021 with the observation as under;

5. In the circumstances, while allowing the appeal and setting aside the impugned judgment, we remand the matter back to the Competent Authority to conduct a de novo inquiry on the Charge Sheet issued to respondent on 19-10-2016 and produced all relevant material and evidence, in respect of the charge alleged against the respondent and thereafter, proceed against the respondent in accordance with law.

6. as the matter is quite old, we expect that the Competent Authority shall have the inquiry conducted as early as possible, preferably, within a period of three months from receipt of this order.

SD CJ

7. That a de novo enquiry was interested to SP/ Invst: Lakki Marwat vide office letter dated 17-05-2021 who submitted his final report dated 02-07-2021, wherein the allegation leveled against the appellant were not proved. He was given the opportunity of personal hearing on 16-07-2021 and upon satisfaction of the worthy authority he was reinstated in service vide impugned order dated 19-07-2021.

However the service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 was treated as leave without pay to leave with pay.

8. That due to the appellant's illegal removal his absence was during the intervening period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 was beyond his control. Thus treating the said period as leave without pay would be unjust and inequitable and subject to correction by the worth authority.

9. The impugned omission in order dated 19-07-2021 is thus arbitrary, discriminatory, against the principles of equity, justice, law and proprietary, subject to correction by this worthy appellate authority.

In view of the above, it is requested that,

- i. By accepting this appeal and modifying the impugned order dated 19-07-2021 by converting the appellant's service period w.e.f 18-10-2016 to 18-05-2020 & 09-04-2021 to 15-07-2021 as leave without pay to leave with pay.
- ii. Further allowing the appellant with all the consequential benefits of continuous service w.e.f 18-10-2016 till 19-07-2021.

*[Handwritten Signature]*  
DATE 20/11/2021

Peshawar, dated  
11<sup>th</sup> November, 2021

Appellant,

Constable Muhammad Zaman  
No. 598 / 01  
Posted at DPO Office, Police Line  
Lakki Marwat.



ANNEXURE C,  
ANNEXURE A

**ORDER.**

My this order will dispose off the departmental enquiry initiated against FC Muhammad Zaman No. 598 who while posted at Police Station Serai Naurang was found to indulge in the following misconduct:

1. That the Constable Muhammad Zaman No. 598 has been charged in criminal case vide FIR No. 1207 dated 02.10.2016 u/s 15-AA/ 17-AA PS Bana Mari Peshawar and arrested on the spot as evident from the source report received from Addl: Inspector of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar vide letter No. 29285-87/ ID dated 03.10.2016..
2. That his Motor Car bearing Registration No. 3155/LXZ has been taken in to possession by Peshawar Police during checking 8 x Kalashinkoves, 45Nos. Pistols, 24000 Rounds and 10 x Magazine were recovered from the said vehicle.
3. This all amounts to gross misconduct on his part and is against the norms of a discipline force which makes him liable to be punished under Police Rule-1975.

Mr. Afsar Khan DSP/ Hqr: Lakki was appointed as enquiry officer. The enquiry officer conducted proper departmental enquiry into the matter and submitted his findings report vide his Memo: No. 584 dated 21.12.2016, wherein the E.O held him to be guilty of joining hands with the smuggler of arms / ammunitions involved in anti-social activities. He is found like a black sheep in the police department and is earning a bad name for the entire police force. The E.O further recommended him for awarding major punishment.

The delinquent police officer was served with final show cause notice and the reply thereto was also found as un-satisfactory. He was also heard in person, but he miserably failed to rebut the allegations leveled against him.

Keeping in view the above facts, the allegations have been proved beyond any shadow of doubt. His retention in police force is neither beneficial for the state nor for the department.

Therefore, I Syed Khalid Hamdani <sup>use, own</sup> District Police Officer, Lakki Marwat hereby award him major punishment of dismissal from service from the date of suspension under Police Rule 1975. He is directed to deposit all the Govt: articles allotted to him to the concerned branches.

OB No. 50  
Dated 24/01/2017.

District Police Officer,  
Lakki Marwat.

No 635-37 / dt: 25-01-2017

Copy of above is submitted for favour of information to:-

1. The Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 29285-87/ ID dated 03.10.2016.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his Office Endst: No. 5023 dated 04.10.2016.
3. Pay Officer, OHC, HC & SRC for necessary action.

**TRUE COPY**

District Police Officer,  
Lakki Marwat.

**TRUE COPY**

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ANNEXURE C

1

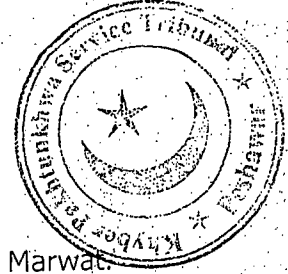
4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 284/2017

Date of Institution ... 28.03.2017

Date of Decision ... 21.05.2019



Muhammad Zaman, Ex-Constable No. 598, District Police Lakki Marwat  
... (Appellant)

VERSUS

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

Present.

Mr. Muhammad Zafar Tahirkheli,  
Advocate.

... For appellant

Mr. Muhammad Riaz Paindakhel,  
Asstt. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,  
MR. HUSSAIN SHAH,

... CHAIRMAN  
... MEMBER

**ATTESTED**

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

The facts, as gatherable from memorandum of appeal, are that the appellant was appointed as Constable in the Police Department of Khyber Pakhtunkhwa on 27.05.2007. During his posting at Lakki Marwat an FIR was recorded vide No. 1207 dated 02.10.2016 at P.S Bhana Mari Peshawar u/s 15/17-AA. In the reported crime it was alleged that the appellant was transporting a huge number of arms and ammunition while was intercepted by the local police. The incriminating articles comprising 40 pistols 30 bore, Kalashnikov rifles and 24000 live rounds etc. were recovered from the vehicle driven by the appellant who was arrested on the spot. Departmental proceedings were initiated and charge sheet coupled with statement of allegations dated 19.10.2016 was served upon the appellant. A written reply

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was submitted by him, however, the proceedings continued and DSP Headquarters Lakki Marwat was appointed as Enquiry Officer. The report of enquiry was submitted on 21.12.2016 which was followed by a final show cause notice dated 09.01.2017. The appellant replied to the show cause notice as well, however, it was not found satisfactory and order dated 24.01.2017 was passed by DPO Lakki Marwat/respondent No. 3, against the appellant. He was awarded major punishment of dismissal from service from the date of his suspension. A departmental appeal was preferred by the appellant which was filed on 09.03.2017 by the Regional Police Officer, Bannu Region, Bannu/respondent No. 2, hence the appeal in hand.

2. We have heard learned counsel for the appellant as well as learned Asstt. A.G on behalf of the respondents and have also gone through the available record.

It was the argument of learned counsel for the appellant that the impugned order dated 24.01.2017 was itself void having been given retrospective effect, therefore, the same was not sustainable. He further contended that the criminal trial ensuing FIR dated 02.10.2016 began before the court of competent jurisdiction and resulted in acquittal of the appellant on 15.11.2018. Due to the said fact, the basis of allegations against the appellant was dislodged, therefore too, he could not have been punished departmentally. The learned counsel relied on judgments reported as 1998-SCMR-1993 and 1998 PLC(C.S) 1430.

Learned Asstt. A.G on the other hand, referred to the contents of FIR and argued that the appellant was arrested on the spot alongwith huge consignment of arms and ammunitions which was sufficient evidence to connect him with the offence alleged against him. He further referred to the

**TESTED**

EXAMINER  
Hyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
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reply of appellant, submitted with respect to statement of allegations and charge sheet, and contended that he had admitted his presence in the incriminating vehicle. In the circumstances the impugned order was rightly passed against the appellant. Learned AAG referred to the judgment reported as 2006-SCMR-554 and stated that the acquittal of appellant from criminal case was not sufficient for his exoneration in the departmental proceedings.

3. Before proceeding further it shall be useful to reproduce hereunder the allegations as contained in the relevant statement as well as the charge sheet dated 19.10.2016:-

1. That he Constable Muhammad Zaman No. 598 has been charged in criminal case vide FIR No. 1207 dated 02.10.2016 u/s 15-AA/17-AA P.S. Bhana Mari Peshawar and arrested on the spot as evident from the source report received from Addl. Inspector General of Police, Special Branch, Khyber Pakhtunkhwa Peshawar vide his letter No. 29285-87/ID dated 03.10.2016.
2. That his Motor Car bearing registration No. 3155/LXZ has been taken in to possession by Peshawar Police & during checking 8 Kalashnikovs, 45 Nos. Pistols, 24000 Rounds and 10 Magazine were recovered from the said vehicle.
3. This all speaks amounts to norms of a discipline force and make him liable to be punished under Police Rules- 1975."

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

The contents of allegations against the appellant clearly suggest that the departmental proceedings were founded upon an offence recorded against the appellant through FIR No. 1207 dated 02.10.2016. Upon completion of investigation the matter of criminal case was brought before the learned Addl. Sessions Judge-VIII Peshawar, a Court of competent jurisdiction, on 16.09.2017. In the meanwhile, the appellant was released on bail. The record shows that the proceedings before the learned trial Court continued till 15.11.2018, on which date, the appellant was acquitted under section 265-K Cr.PC. The reason prevailing before the learned Court for acquittal was mainly that the prosecution

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witnesses did not appear before the Court despite repeated summonses. Upon earning acquittal in his favour the appellant acquired certain valuable rights. He was to be considered to have committed no offence under the law of the land. Besides, the substratum of departmental proceedings against the appellant was gone with the acquittal.

In the above context it is worthy to note that by now the Apex Court had ruled through various judgments that the standards of proof in departmental proceedings against civil servant are distinct than those required in a criminal case. It is also well settled that the departmental proceedings against an accused civil servant can be undertaken independent of criminal proceedings/ trial against a civil servant. In the case in hand, however, during the departmental proceedings no evidence worth the name could surface which could be regarded to have connected the appellant with the offence noted in

**ATTESTED**

the FIR or the allegations contained in the departmental proceedings.

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

4. Adverting to the contents of impugned order dated 24.01.2017, we find that the award of major penalty to the appellant was based on the enquiry report submitted by DSP Headquarter, Lakki Marwat. While referring to the report the competent authority had noted in the impugned order that the enquiry officer held the appellant to be guilty of joining hands with smugglers of arms/ammunitions involved in anti-social activities. That, the enquiry officer further recommended him for awarding major punishment. Seeing the impugned order in juxtaposition to the referred enquiry report dated 20.12.2017, it transpired that the report was either misinterpreted or misconceived by the competent authority. It was nowhere recorded in the report that the appellant had joined hands with smugglers of arms and ammunitions. It was further categorically noted in the report that the case



against the appellant was still pending before the Court, therefore, either the appellant may be awarded major punishment or the proceedings be kept pending till decision of the trial court. It is also worth-noting that in the concluding part of the enquiry report it was recorded by the enquiry officer that in the light of record and submissions he reached the conclusion that the accused could have informed his superiors regarding his illness but he did not do so. In the said part of the report relating to the recovery of incriminating arms and ammunition only the contents of FIR were reproduced. It was also noted that the appellant was released from jail on 07.10.2016 and had appeared in the Police Station Naurang for duty on 24.10.2016. It, therefore, cannot be held that in the enquiry liability of appellant was established.

The record also suggests that during the entire departmental proceedings against the appellant only the statements of Sharifullah IHC and Islam Noor ASI of P.S Naurang were recorded. Both the statements were regarding the absence of appellant from duty, therefore, could not be regarded, by any standards, to have substantiated the connectivity of the appellant with the alleged offence.

ATTESTED

EXAMINER  
 Keyber Paktunkhwa  
 Service Tribunal,  
 Peshawar

5. There is yet another aspect of the matter in hand. As per the allegations the incriminating arms and ammunitions were recovered from a Motor Car bearing Registration No. 3155-LXZ owned by the appellant. In the said context the order of the Addl. Sessions Judge-I, Peshawar dated 02.11.2016 is worth perusal whereby one Ismail Khan son of Khanan Khan was returned the vehicle against surety bonds. The respondents did not make any effort to bring on record the nexus of appellant with incriminating vehicle as its owner. It is also a fact that during the departmental proceedings the enquiry officer did not prefer to collect documents connecting the appellant with the allegations despite the

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fact that the recovery of arms and ammunitions was allegedly effected by the Police Department itself. Even a copy of the recovery memo was not made available to the Tribunal alongwith reply of the respondents or otherwise.

6. For what has been discussed above we consider it appropriate to allow the appeal as prayed for in its memorandum. Order accordingly. —

Parties are left to bear their respective costs. File be consigned to the record room.

Certified to be true copy

Khaybr Pakhtunkhwa  
Service Tribunal,  
Peshawar

(HUSSAIN SHAH)  
MEMBER

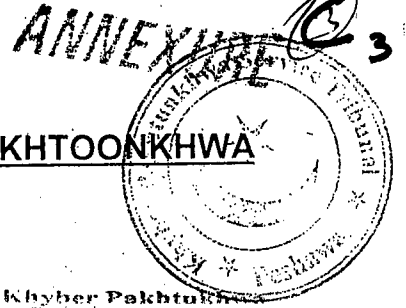
(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
21.05.2019

Date of Presentation of Application	27-5-2018
Number of Words	2800 -
Copying Fee	18 -
Urgent	2 -
Total	20 -
Name of Copyist	Zaman
Date of Completion of Copy	27-5-2018
Date of Delivery of Copy	27-5-2018

Zaman  
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(15)



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

Service Appeal No. 284 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 292

Dated 28/3/2017

Muhammad Zaman,  
Ex-Constable No. 598,,  
Laki District Police, Laki Marwat Khyber Pakhtunkhwa

..... Appellant

**Versus**

1. Inspector General of Police,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Bannu Region, Bannu.
3. District Police Officer, Laki Marwat..

..... Respondents

=====

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE APPELLANT'S DISMISSAL FROM HIS SERVICE VIDE  
ORDER DATED 25-01-2017(ANNEX-A) AND ORDER DATED 09-03-2017,  
WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS  
REFUSED (ANNEX-B).**

=====

**"Prayer"**

- (a) By accepting this appeal and setting aside the impugned dismissal order dated 25-01-2017 and impugned order dated 09-03-2017, whereby the departmental appeal of the appellant was refused.
- (b) directing the respondent department to re-instate the appellant in service with all the benefits of continuous service.

**ATTESTED**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

=====  
Respectfully Sheweth,

1. The appellant was initially appointed as Constable on 27-05-2007 and has been serving the department honestly and diligently to the utmost satisfaction of his superiors.
2. That while serving as Constable at Laki Marwat, a false and frivolous FIR No. 1207 dated 02-10-2016 P.S Bahana Marri Peshawar u/s 15/17AA was registered against him. The appellant was arrested and was then released on bail vide order dated 07-10-2016 by the learned Judge-I/ JSC. (Copies annexed "C" & "D")

*Zaman*  
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ANNEXURE D  
28/1

16

SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

PRESENT:  
Mr. Justice Gulzar Ahmed, CJ  
Mr. Justice Ijaz ul Ahsan

CIVIL APPEAL NO.12 OF 2021

[Against the judgment dated 21.5.2019, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar, in Appeal No.284 of 2017]

*Inspector General of Police (Now)*  
*Provincial Police Officer, Khyber*  
*Pakhtunkhwa, Peshawar and others* ...Appellants

Versus

*Muhammad Zaman* ...Respondent

For the Appellants : Mr. Atif Ali Khan,  
Additional Advocate General,  
Khyber Pakhtunkhwa

For the Respondent : Syed Haziq Ali Shah, ASC

Date of Hearing : 12.04.2021

ORDER

GULZAR AHMED, CJ.- There was a serious charge

against the respondent that on 02.10.2016, the Pak Army while checking his Car No.3155/LXZ recovered from it 8 Kalashnikovs, 45 Pistols 30-bore, 24000 rounds of 30 bore and 10 Magazines. An FIR No.1207 of 2016 was registered on 02.10.2016 at Police Station, Bhana Mari, Peshawar and the respondent was taken into custody. He was proceeded against departmentally by issuing of Charge Sheet dated 19.10.2016. An inquiry was conducted where the Inquiry Officer through his report dated 21.12.2016, recommended imposition of major penalty. Final Show Cause Notice was given to the respondent on 09.01.2017 and thereafter,

*Gulzar Ahmed*  
JUDGE

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

he was imposed major penalty of dismissal from service vide order dated 24.01.2017. After filing of the departmental appeal, the respondent filed the Service Appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar (**the Tribunal**), which was allowed by the impugned judgment dated 21.05.2019 and the respondent was reinstated into service.

2. While considering the record of the inquiry, in the first place, the Tribunal has based its decision on the facts stated in the FIR and as the respondent was acquitted in the FIR case, thus, gave benefit of it to the respondent. The Tribunal has further noted that the disciplinary proceedings against the respondent were conducted on the basis of the FIR and once he is acquitted from the criminal charge, he is entitled to be reinstated. The Tribunal has further noted that in the inquiry, the charge of recovery of arms and ammunition, noted above, was not proved.

3. We note that in the inquiry proceedings, though two witnesses were examined from the prosecution side but incidentally, such witnesses did not advert to the question of recovery of the arms and ammunition made from the respondent's Car and even did not connect the respondent with the Car. The inquiry apparently has been badly conducted, in that, the charge No.2 in the Charge Sheet, specifically deals with the recovery of the arms and ammunition from the Car of the respondent, which was required to be established in the inquiry independently from the criminal case, which apparently has not been done.

4. The charge being very serious in nature and the respondent being an official of the Disciplined Force, we note that

*Lawyer*  
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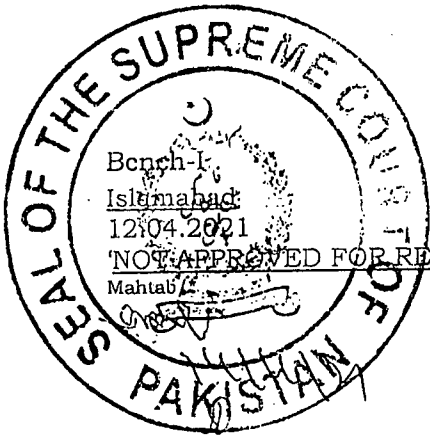
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

such charge needs to be examined by the relevant authority of the appellants and thereafter, proper evidence needs to be recorded before the Inquiry Officer.

5. In the circumstances, while allowing the appeal and setting aside the impugned judgment, we remand the matter back to the Competent Authority to conduct a *de novo* inquiry on the Charge Sheet issued to respondent on 19.10.2016 and produced all relevant material and evidence, in respect of the charge alleged against the respondent and thereafter, proceed against the respondent in accordance with law.

6. As the matter is quite old, we expect that the Competent Authority shall have the inquiry conducted as early as possible, preferably, within a period of three months from receipt of this order.

Sd-CJ  
Sd-J



Certified to be True Copy

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

14.4

GR No: 6851/21

Date of Presentation: 12.4.21 Civil/Criminal

No of Words: 900

No of Folios: 9

Requisition Fee Rs. 5.00

Copy Fee Rs. 5.58

Court Fee Stamp 10.58

Date of Completion: 22/4/21

Date of Delivery: 22/4/21

Compared by: [Signature]

Received by: M S Khan

*[Signature]*  
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ORDER

49

ANNEXURE E

My this order will dispose off the departmental enquiry initiated against Constable Muhammad Zaman No.598/01 while posted at PS Naurang was found to indulge in the following allegations:-

1. The he Constable Muhammad Zaman No.598 has been charged in criminal case vide FIR No.1207 dated 02.10.2016 u/s 15-AA/17-AA PS Bana Mari Peshawar and arrested on the spot as evident from the source report received from Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar vide his letter No.29285-87/ID dated 03.10.2016.
2. That his Motor Car bearing registration No.3155/LXZ has been taken in to possession by Peshawar Police and during checking 8 Kalashnikovs, 45 Nos Pistol, 24000 Rounds and 10 Magazine were recovered from the said vehicle.
3. That all speaks his gross misconduct on his part and makes him liable to be punished under Police Rules-1975.

He was issued charge sheet alongwith summary of allegations and DSP/Hqrs, Lakki Marwat was appointed as Enquiry Officer for the purpose of securitize the conduct of said official reference to the above allegations. The Enquiry Officer completed departmental proceedings against the delinquent official and submitted finding report wherein, he was recommended for major punishment. He was issued Final Show Cause Notice to this effect and the reply thereof were also found un-satisfactory. He was also given opportunity for personnel hearing, where he offered no cogent reason regarding his innocent. Hence, the allegations were proved without any shadow of doubt. His retention in Police Force was declared harmful and earning a bad name for force.

Upon perusal, he was awarded major punishment of Dismissal from Service vide this office OB No.50 dated 24.01.2017.

Later on, the delinquent official preferred an appeal to W/RPO Bannu for setting aside the impugned order but turned down vide RPO Bannu order Endst: No.885/EC dated 09.03.2017.

On rejection his appeal by RPO Bannu, he pleaded appeal in Honorable Service Tribunal, Peshawar for reinstatement into service. The Service Tribunal accepted his appeal and reinstated into service vide Judgment dated 21.05.2019.

In compliance of the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar judgment dated 21.05.2019 & execution petition No.282/2019 order Sheet dated 28.01.2020, he was re-instated into service purely conditionally/provisionally till the outcome of CPLA vide this office OB No.353 dated 19.05.2020.

The CPLA was accepted and impugned order of Service Tribunal dated 21.05.2019 was suspended by Apex Supreme Court of Pakistan vide Order dated 11.01.2021. Consequent upon, his re-instatement order issued vide this office OB No.353 dated 19.05.2020 was withdrawn vide OB No.202 dated 09.04.2021.

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20

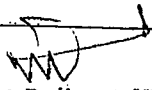
After that, he preferred Civil appeal No.12/2021 of 2021 against the judgment of Apex Court Islamabad dated 11.01.2021. The Apex Court Islamabad allowing the appeal and setting aside the impugned judgment with the directions to conduct a de-novo inquiry on the Charge Sheet issued to respondent on 19.10.2016.

Upon perusal, the enquiry paper were interested to SP/Invst: Lakki Marwat vide this office letter No.2965/EC dated 17.05.2021 to conduct de-novo enquiry proceedings against the said Constable. SP/Invst: Lakki Marwat after conducted proper departmental proceedings submitted finding report vide No.1766 dated 02.07.2021 wherein, the allegations leveled against him were not proved. He was called in Orderly Room on 16.07.2021, where he satisfied the undersigned.

Therefore, I Imran Khan PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, I take a lenient view the inquiry papers are hereby filed without any further action and re-instated him into service with immediate effect. The out of service periods i.e 18.10.2016 to 18.05.2020 & 15.07.2021 are treated leave without pay.

OB No. 4511


Dated: 19/07/2021

  
District Police Officer,  
Lakki Marwat.

No. 4708-1A / Dated Lakki-Marwat the 19-7 /2021.

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r CPO Peshawar letter No.5286/Legal dated 01.06.2021.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his letter No.2518/EC dated 30.06.2021.
3. Inspector Legal, EC, PO and OHC for information & necessary action.

  
District Police Officer  
Lakki Marwat

  
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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

53

Appeal No. 7876 of 2021

Muhammad Zarnan Appellant/Petitioner  
Versus

Inspector General of Police, Govt. Respondents Peshawar  
Respondent No. (1)

Notice to:

Inspector general of Police, GOV of KPK,  
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellat/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of June 20

(For Reply)

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

*Regd*

Appeal No. .... *7876* ..... of 20 *21*

*SP*

..... *Muhammaf Aman* ..... Appellant/Petitioner  
Versus

Inspector general of Police, Govt of FKP, Peshawar  
Respondent No. .... *(2)* .....

Notice to: —

*Distict Police off. - Laki Market*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... *14/7/21* ..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this..... *17/7/21* .....

Day of..... *June* .....20 *21*

*For Reply*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Regd

SB

Appeal No. 7876 of 20 21

Muhammad Zaman Appellant/Petitioner

Versus

Inspector general of Police, govt of kPk, Peshawar. Respondent

Respondent No. (3)

Notice to: — District Police officer, Laki Marwat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 17th

Day of June 20 21

For Reply

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

3. The name of the person to whom the notice is to be sent shall be the name of the person to whom the notice is to be sent.

REGISTRAR  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
REGISTRAR

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Notice of ..... No. 5

Given under my hand and the seal of this Court at Peshawar this .....

Handwritten initials.

Office Notice No. ....

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

this appeal/betition.

Notice posted to this address by registered post will be deemed sufficient for the purpose of address given in the appeal/betition will be deemed to be your correct address and further address. If you fail to furnish such address your address contained in this notice which is given to you by registered post. You should inform the Registrar of any change in your

Notice of any alteration in the date fixed for hearing of this appeal/betition will be

appeal/betition will be heard and decided in your presence.

Failure of your appearance on the date fixed and in the manner aforementioned, the appeal/betition along with any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing a copy of written statement/advocate duly supported by your power of attorney/you are authorized to do so in the case may be postponed either in whole or by authorized representative or by your appeal/betitioner you are at liberty to do so on the date fixed or any other day to which you are authorized to do so. If you wish to make any further statement the matter referred to in the said appeal/betition is fixed for hearing before the Tribunal the above was by the petitioner in this Court and notice has been ordered to issue. You are advised Service Tribunal Act, 1974 has been presented/registered for consideration in

ANNEXURE an appeal/betition under the provision of the Khyber Pakhtunkhwa

Notice No. 102/1974 Notice of Appeal & Petition No. 5 of 1974

Registration No. ....

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No.

REGISTRAR  
JUDICIAL COMPLEX (OGD), KHYBER KOHAT  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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**“B”**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
 PESHAWAR.

SB

No.

*Regd*

Appeal No..... 7876 ..... of 20 22

..... Muhammad Zaman ..... Appellant/Petitioner

Versus

Inspector general of Police, govt of kPk, Peshawar ..... Respondent

Respondent No..... (2) .....

Notice to: - Regional Police officer, Bannu Region, Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 14/7/22 ..... at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No..... dated.....~~

Given under my hand and the seal of this Court, at Peshawar this..... 17th .....

Day of..... June ..... 20 22

For Reply

Registrar,  
 Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

SB

No.

*Regd*

Appeal No. 7876 of 20 21

Muhammad Zafar Appellant/Petitioner

Versus

Inspector General of Police, Govt of KPK, Peshawar Respondent

Respondent No. (2)

Notice to: - Regional Police Officers, Bannu Region, Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/7/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 7th

Day of June 20 21

*(For Reply)*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

BEZHANVAR  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
BEZHANVAR

*(Handwritten signature)*

Date of ..... 20 .....

Given under my hand and the seal of this Court at Bezhawar this .....

office notice No. .... dated .....

Copy of abstract is attached. Copy of abstract has already been sent to you vide this

this abstract/petition. Notice posted to this address by registered post will be deemed sufficient for the purpose of address given in the abstract/petition will be deemed to be your correct address and further address. If you fail to furnish such address contained in this notice which the given to you by registered post, you should inform the Registrar of any change in your Notice of any alteration in the date fixed for hearing of this abstract/petition will be heard and decided in your absence.

Details of your appearance on the date fixed and in the manner aforementioned, the alongwith any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing & copies of written statement advocates duly authorized by your power of Attorney you are, therefore, required to file in the case may be postponed either in person or by authorized representative or by any abstract/petitioner. You are at liberty to do so on the date fixed, or any other day to which you are hereby informed that the said abstract/petition is fixed for hearing before the Tribunal the above case by the petitioner in this Court and notice has been ordered to issue. You are Province Service Tribunal Act, 1974, has been presented/registered for consideration in

WHEREAS an abstract/petition under the provision of the Khyber Pakhtunkhwa

Notice to: - *(Handwritten name)*

Respondent No. ....

*(Handwritten signature)* Respondent

Witness

*(Handwritten signature)* Abstract/Petitioner

Abstract No. .... of 20 .....

No.

BEZHANVAR  
JUDICIAL COMPLEX (OGD) KHYBER ROAD  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL BEZHANVAR

cc B...



21

# VAKALATNAMA

In the Court of **Khyber Pakhtunkhwa Service Tribunal, Peshawar**

Exe. No. \_\_\_/2021  
Service Appeal No. \_\_\_/2021

Petitioner  
Plaintiff  
Applicant  
Appellant  
Complainant

**Muhammad Zaman**

Decree-Holder

In the

**V**ERSUS

Respondent  
Defendant  
Opponent  
Accused

**Govt of Khyber Pakhtunkhwa etc.**

Judgment-Debtor

I / We **Muhammad Zaman** the above noted Petitioner/Appellant do hereby appointed and constitute, **Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court**, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

In the

presence

of

Dated 15/12-2021

Office

**ATIQU LAW ASSOCIATES,**  
87, Al-Falah Street, Besides State Life Building,  
Peshawar Cantt, Phone: 091-5279529  
E-mail : [zafartk.advocate@gmail.com](mailto:zafartk.advocate@gmail.com)

Client

**M. Zafar Tahir**

Attested & Accepted (Advocates)

**Ansar Ullah Khan**