

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, D.I.KHAN.
Service Appeal No.441/2018

Date of Institution ... 12.03.2018
Date of Decision ... 14.12.2021

Hidayat Ullah son of Nasib Ullah Khan, caste Kundi resident of
Pai Tehsil & District Tank.

... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber
Pakhtunkhwa Peshawar and two others.

... (Respondents)

Sheikh Iftikhar ul Haq,
Advocate

... For appellant.

Muhammad Adeel Butt,
Additional Advocate General

... For respondents.

Ahmad Sultan Tareen
Rozina Rehman

... Chairman
... Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as Constable. He was proceeded against departmentally on the allegations of absentia and ultimately was dismissed from service vide order of DPO Tank dated 11.08.2009. Feeling aggrieved, he filed departmental appeal which was dismissed, hence, the present service appeal.

2. We have heard Sheikh Iftikhar ul Haq Advocate learned counsel for appellant and Muhammad Adeel Butt, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

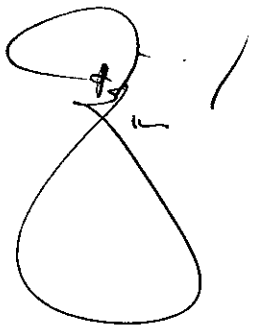
3. Sheikh Iftikhar ul Haq Advocate learned counsel for appellant submitted that the impugned order is illegal, against law and facts as



the appellant was not treated according to law and rules. That the appellant has been discriminated and given step motherly treatment as he was condemned unheard; that neither charge sheet nor show cause notice were ever communicated to the appellant and that no proper inquiry was conducted in the matter. He, therefore, requested for reinstatement of the appellant into service with all back benefits.

4. Conversely, learned DDA submitted that appellant while posted in Police Lines Tank absented himself from duty without any leave or reasonable cause w.e.f 02.09.2008 vide D.D No.07 and that he was properly charge sheeted and inquiry was conducted. He contended that notice was also published in two Daily newspapers but the appellant failed to resume his duty, therefore, was dismissed from service after fulfillment of all codal formalities.

5. From the record it is evident that the appellant was appointed as Constable on 28.02.2007. He was proceeded against departmentally on the allegations of absentia. Record shows that while posted at Police Lines Tank, he absented himself from official duty without leave w.e.f 02.09.2008. Proper charge sheet alongwith statement of allegations were served upon him through SHO of Police Station Mulazai. Muhammad Idress Khan DSP Tank was appointed as Inquiry Officer. The present appellant was summoned but he failed to appear. Final show cause notice was issued and properly served upon him, copy whereof is available on file which clearly shows the signature of the present appellant on the back of the final show cause notice. A notice was also published in Daily newspaper "Mashriq" and "Aitedal" dated 21.07.2009 with direction to appellant to resume duty but fiasco. Again he was called in orderly Room but he did not appear for his defense. He was, therefore, dismissed from service vide order dated 11.08.2009 of

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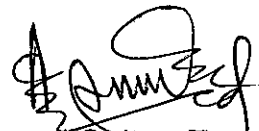
DPO Tank. He submitted departmental appeal on 27.12.2017 which was dismissed being badly time barred vide order of Regional Police Officer, Dera Ismail Khan dated 14.02.2018.

6. It is well-entrenched legal proposition that when an appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan reported in 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik reported in PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others reported in 2004 SCMR 1426.

7. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

14.12.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, D.I.Khan




(Rozina Rehman)
Member (J).
Camp Court, D.I.Khan

28.10.2021

Appellant with counsel present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief. Request is accorded. To come up for arguments on 14.12.2021 before D.B at Camp Court, D.I.Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Order

14.12.2021

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present. Arguments heard and record perused.

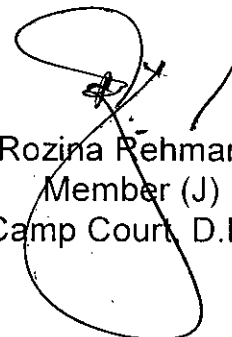
Vide our judgment of today of this Tribunal placed on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

14.12.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court, D.I.Khan



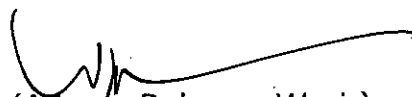
(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

24.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before a Larger Bench of this Tribunal. Adjourned. To come up for arguments on 25.01.2021 before D.B at Camp Court DI.Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

25.1.2021


Due to COVID 19, the case is adjourned to 24.3.2021 for the same.



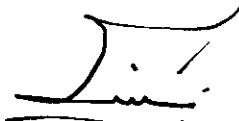
24.03.2021

Learned counsel for the appellant present. Mr. Muhammad Ramazan, S.I (Legal) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal in other appeals. Adjourned. To come up for arguments before D.B at Camp Court D.I.Khan on 26.07.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

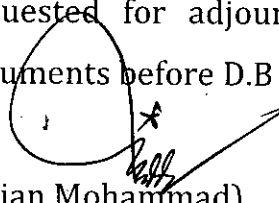
26.7.21


Due to COVID-19, the case is adjourned to 28.10.21 for the same.



26.02.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Nadeem, LHC for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.04.2020 for arguments before D.B at Camp Court D.I.Khan.

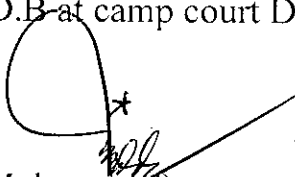

(Mian Mohammad)
Member
Camp Court D.I.Khan



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.10.2020

Assistant to counsel for the appellant is present. Mr. Usman Ghani, District Attorney for respondents is present present.

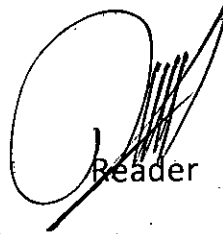
Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court D.I Khan

21/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.



Reader

27.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.01.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

29.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Nadeem, LHC for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for arguments before D.B at Camp Court D.I.Khan.




(Hussain Shah)
Member
Camp Court D.I.Khan




(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

24.06.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Sher Afzal, S.I (Legal) for the respondents present. Relevant record mentioned in the impugned order is not available on the record. Representative of the department is directed to furnish the same on the next date positively. Case to come up for record and arguments on 23.09.2019 before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

23.09.2019


Appellant in person present. Mr. Farhaj Sikandar, DDA alongwith Mr. Nadeem, H.C for respondents present. Appellant seeks adjournment as his counsel is not available today due to general strike of the bar. Adjourn. To come up for arguments on 21.10.2019 ~~on~~ before D.B at camp court D.I.Khan.


Member


Member
Camp Court D.I.Khan

27.11.2018


Counsel for the appellant present. Mr. Nadim, LHC alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for time. Granted. To come for written reply/comments on 22.01.2019 before S.B at camp court D.I.Khan.


(M.Amin Khan Kundi)
Member
Camp Court D.I.Khan

22.01.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Muhammad Tahir, S.I (Legal) for the respondents present.

Parawise comments on behalf of respondents have been submitted. To come up for arguments before the D.B on 25.03.2019 at camp court, D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman
Camp Court, D.I.Khan

25.03.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Tahir Khan, SI for the respondents present.

The court time is over, therefore case adjourned to 24.06.2019 before the D.B at camp court, D.I.Khan.


Member

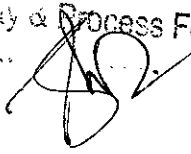

Chairman
Camp Court, D.I.Khan


13.09.2018

Counsel for the appellant Hidayat Ullah present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Police Department as Constable and during service he was dismissed from service vide impugned order dated 02.09.2008 on the allegation of absence from duty. It was further contended that the impugned order was passed retrospectively and also communicated to the appellant on 26.12.2017 and thereafter the appellant filed departmental appeal on 27.12.2017 which was rejected on 14.02.2018 hence, the present service appeal on 12.03.2018. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 27.11.2018 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee




(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 441/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/04/2018	<p>The appeal of Mr. Hidayatullah received today by post through Mr. Shaikh Iftikharul Haq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 3/4/18</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>13-9-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

The appeal of M. Hidayatullah son of Nasib Ullah Khabn Caste Kundi Tehsil and Distt. D.I.Khan received today by post on 09.03.2018 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 is unsigned.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 532 /S.T,

Dt. 14/03 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

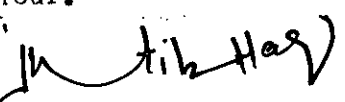
Shaikh Iftikharul Haq Adv.
High Court D.I.Khan.

To: Registrar Service Tribunal

Objection raised have been removed/rectified and clarified .Thus resubmitted .

- 1) Memorandum of appeal signed.
- 2) Copies of charge sheet Statement of allegation ,Show cause notice ,enquiry report have not been delivered to the Appellant. All the proceeding initiated exparte. The Appellant was kept unaware .
- 3) One Copy of appeal alongwith its enclosure is enclosed herewith as desired by your honour.

Dated. 30.3.2018


Shaikh Iftikharul Haq)
Advocate.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 441 /2018

Hidayat Ullah

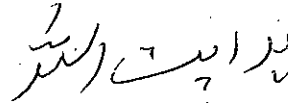
VERSUS

Provincial Police Office etc

INDEX

<u>S.NO</u>	<u>PARTICULARS</u>	<u>ANNEXURE</u>	<u>PAGE NO.</u>
1	Grounds of Service appeal along with affidavit.	—	1-3
2	Copy of appointment letter	"A"	4-
3	Copy of dismissal order	"B"	5-
4	Copy of departmental appeal	"C"	6
5	Copy of order dated 14/02/2018	"D"	7-
6	Wakalatnama		8-

Your Humble Appellant



Hidayat Ullah

Through Counsel

Dated: /0/03/2018



Shaikh Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

1

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

Service Appeal No. 441/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 367

Date 12/3/2018

Hidayat Ullah S/o Nasib Ullah Khan Caste Kundi R/o Pai
Tehsil & District Tank.

.....(Appellant)

VERSUS

1. Provincial Police Officer / Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police / Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Tank.

.....(Respondents)

**SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974.**

PRAYER:-

Filed to-day
Registrar
12/3/18

**ON ACCEPTANCE OF INSTANT APPEAL
THIS HONOURABLE TRIBUNAL BE
PLEASED TO SET ASIDE THE
DISMISSAL ORDER DATED 02/09/2008
PASSED BY THE RESPONDENT NO. 3
AND APPELLATE ORDER DATED
14/02/2018 VIDE WHICH THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED PASSED
BY THE RESPONDENT NO. 2. AND THE
APPELLANT REINSTATED AS
SERVICES WITH ALL BACK BENEFITS.**

Constable

Respectfully Sheweth:-

Re-submitted to-day
and

Registrar
3/4/18

Brief facts giving rise to instant appeal are as
under:-

2

- 1- That appellant was appointed as constable on 28/02/2007 in the Police Department Tank. Copy of appointment letters is enclosed as Annexure "A".
- 2- That the appellant performed ~~these~~^{duties} with full satisfaction of superior, and there is ^{no} stigma and dents in their services.
- 3- That in the year 2009, the mother of the appellant was seriously ill and the respondents authority during this dismissed the appellant from services on 11/08/2009. Copy of dismissal order is enclosed as Annexure "B".
- 4- That in the attendant circumstances, the appellant obtained the impugned order on 26/12/2017 and submitted appeal on 27/12/2017 which was rejected on 14/02/2018 vide order Enst; No. 566/ES by respondent No. 2. Copy of departmental appeal and order dated 14/02/2018 are enclosed as Annexure "C & D".
- 5- That the appellant feeling aggrieved from the impugned orders of the respondents authority, hence the instant service appeal on the following grounds:-

GROUNDS:-

- a) That the impugned order is against law, facts and circumstances of the case as the appellant never remained absent from duties.
- b) That the impugned orders are against principle of law and service rules and establishment Code.
- c) That the respondents authority never conducted inquiry against the appellants and the impugned order has been passed in slip shed manner and never sustainable in the eyes of law.
- d) That the appellant was never personally heard while passing the impugned order of dismissal of the appellant.

3

e) That the Counsel of the Appellant may very graciously be allowed to add further grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may be accepted as prayed for.

Your Humble Appellant

[Handwritten signature]

Hidayat Ullah

Through Counsel


Dated: /03/2018

[Handwritten signature]

Shahk Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

AFFIDAVIT

I, **Hidayat Ullah** S/o Nasib Ullah Khan Caste Kundi R/o Pai Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the above **Appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

[Handwritten signature]


[Handwritten signature]
10/03/18

[Handwritten signature]

DEPONENT

حکم

Am - A

مسی نور احمد اللہ ولد نصیر اللہ قوم کنڑی

سکنہ مالی مکانہ سارنی تحصیل مانڈ

ضلع مانڈ جکادہ 6-0 چھاتی 33x35

تعلیم 10th اور عمر بڑھان سیکولر سٹیفٹ 28 سال 02 ماہ 7

کو بعد ملاحظہ ڈاکٹری فٹ ہونے اور تصدیق چال چلن موزوں پایا جانے کے محکمہ پولیس ضلع

مورخہ 28-05-2007 سے عرصہ از مائشی تین سال کے لیے عارضی طور پر

ضلع ہذا کا کنٹریبلری نمبر 392 الاٹ کیا جاتا ہے

آرڈرنگ نمبر 503

تاریخ 28.05.2007

تصدیق
پر

ORDER.

Mullazai
S
Ann B

This order will dispose off Departmental enquiry initiated against Constable Hidayatullah No. 392 of this District Police under N.W.F.P Removal from Service (Special Powers) Ord: 2000 (Amendment Act 2005) for the allegations that Constable Hidayatullah No. 392 while posted at Police Lines Tank absented himself from official duties without any leave or permission w.e.from 02.09.2008 vide DD SI: No. 7 Police Lines, Tank till the finalization of departmental proceedings/order. He was charge sheeted. Charge sheet along with statement of allegation was served upon him through SHO Police station, Mullazai. Muhammad Idress Khan DSP/Investigation, Tank was appointed as Enquiry Officer. During inquiry, the delinquent official along with other PWs were summoned. PWs appeared and their statements recorded which are available on file. The accused official did not appear before the inquiry officer nor submit his defense reply intentionally. After finalization of inquiry, the Inquiry Officer submitted his finding report in which the accused official was held responsible for the allegations duly framed in the Charge sheet and statement of allegation. Inquiry report received and examined. A Final show cause notice was issued and served upon him. His reply to the Final Show Cause Notice has not been received. A notice was also published in the Daily News Paper " Mashriq and Eatedal dated 21.07.2009 " with the direction to join his duty and also appear before the Inquiry Officer for his defense but of no use. He was called in orderly room held on 11.08.2009 but remained absent and didn't appear before the undersigned for his defense intentionally. His previous record was also checked: According to his previous service record, the defaulter constable was enlisted as constable on 28.05.2007. Keeping in view, the recommendation of the enquiry officer and present attitude of accused Constable Hidayatullah No. 392, it is clearly evident that he is habitual absentee and there seems no chance of becoming him punctual in future and his further retention in the department will badly affect the performance of other contingent. He is fully deserved to be dismissed from service, therefore **I, ABDUR RASHID, DISTRICT POLICE OFFICER, TANK** as competent authority under the Powers vested me under N.W.F.P Police Order (Special Powers) Ord: 2000 (Amended Act-2005), exparte action is taken and on its finalization Constable Hidayatullah No. 392 is hereby **DISMISSED FROM SERVICE FROM THE DATE OF HIS ABSENCE** i.e. 02.09.2008.

Order announced.
11.08.2009

Arashid
11-08-09
(ABDUR RASHID)
District Police Officer,
Tank.

*تصديقاً
على
هذا الأمر*

6

Ann - ع

بخدمت جناب عزت مآب ریجنل پولیس آفیسر صاحب ڈیرہ اسماعیل خان۔

عنوان:- اپیل رحم دربارہ بحالی ملازمت

جناب عالی:-

گزارش بحضور انور ہے کہ سائل مسیٰ ہدایت اللہ مورخہ 05.08.2007 کو بطور کنسٹیبل بلٹ نمبر 392 محکمہ پولیس ضلع ٹانک میں بھرتی ہوا تھا۔ اور ٹریننگ بھی مکمل کی تھی۔ چونکہ سائل ایک پسماندہ علاقہ سے تعلق رکھتا ہے اور اللہ پاک کا امتحان تھا کہ سائل کی والدہ کینسر جیسی موذی مرض کا شکار ہوئی۔ اور ہم سب گھر والے ہمہ وقت اسکی دیکھ بھال میں مصروف تھے۔ مجھے چونکہ اپنی والدہ کی دیکھ بھال کیلئے چھٹی نہیں ملتی تھی۔ بدیں وجہ غیر حاضر ہونے کے ساتھ کافی عرصہ بعد میری والدہ اس دنیا فانی سے رخصت ہو گئی۔ اب ہم سب ایک کٹھن زندگی بسر کر رہے ہیں۔ کیونکہ میں نے بہ امر مجبوری غیر حاضر ہونے جناب DPO صاحب ٹانک نے بحوالہ آرڈر مورخہ 11.08.2009 کو محکمہ پولیس سے برطرف کر دیا تھا۔ جسکی فوٹو اسٹیٹ کاپی ہمراہ لف ہے۔

اندریں سلسلہ آپ سے ہمدردانہ اپیل کی جاتی ہے کہ مجھے نوکری پر دوبارہ بحال کریں۔ تاکہ میں اور میرے بچے موجودہ حالات کے پیش نظر عزت کی زندگی بسر کر سکیں۔ سائل تاحیات انجناب کے بچوں کو دعائیں دیتا رہوں گا۔

فقط مورخہ۔ 27.12.2017

العارض

سائل سابقہ کنسٹیبل ہدایت اللہ نمبر 392 سکنہ دیہہ پائی تحصیل و ضلع ٹانک۔
 12201-0642719-9
 شناختی کارڈ نمبر 12201-0642719-9

تصدیق کریم
 ہدایت اللہ

ہدایت اللہ
 مورخہ 03449360909



(7)

Am - 'D'

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 566 /ES,

Dated DI Khan the

14/02/2018

ORDER

This order will dispose off the departmental appeal preferred by Ex Constable Hidayat Ullah, 392 of District Tank against the punishment order of Dismissal from service from the date of absence (02.09.2008) passed by DPO Tank vide OB No. 1485 dated 18.08.2009.

Facts of the case are that he while posted at Police Lines Tank, absented himself from law full duties w.e. from 02.09.2008 vide DD No. 7 of Police Lines Tank till the finalization of departmental proceedings without any leave or permission from higher authorities. He was charge sheeted and statement of allegation were served upon him. Enquiry into the matter was conducted by DSP Investigation Tank. In the light of recommendations of Enquiry Officer, DPO Tank has awarded him the above mentioned punishment.

Feeling aggrieved against the orders of DPO Tank, the appellant preferred the instant appeal. The appellant was summoned and heard in person in Orderly Room.

Based on the appreciation of the situation painted above, I Syed Fida Hassan Shah, PSP, Regional Police Officer, DI Khan, being the competent authority, finds no substance in his appeal therefore, the same is rejected being badly time barred.

[Signature]
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 567 /ES

Copy of above is sent to the DPO Tank for information with reference to his office memo No. 276/Legal/Legal dated 23.01.2018 alongwith his service record.

Encl:-

Service Roll 01
Fauji Missal 01

[Signature]
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

*attached to be true copy
in file*



UNIVERSITY OF PESHAWAR
Advocate High Court
M.C. 1220-03-67-10-9
S.No 1373



وکالت نامہ

8

ایب روپیہ

کورٹ فیس

Before K.P.K Service Tribunal Peshawar

Appellant ^{مخالف} P.P.O
Mudayatullah ^{اپنے} S.O.P etc
Service Appeal ^{دعوی یا جرم}

vs of K.P.K Service Tribunal ^{تفصیل دعوی یا جرم}

D.S. Khan,

باعث تحریر آنکے

Shahin Afkhan ul-Haq

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی و جواب دہی برائے پیشی یا تفسیر مقدمہ جام
کے سب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بند لیبر رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارنے جانے مقدمہ وکیل صاحب
پہنچنے کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر وادختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری
نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذگری یک طرفہ یا درخواست حکم اتناہی یا ترقی
یا گرفتاری مثل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتاج بیرونی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخہ 15 مارچ 1973

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attached
Accepted
Shahin Afkhan ul-Haq

①



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

Service Appeal No. 441/2018

Diary No. 367
Date 12/3/2018

**Hidayat Ullah S/o Nasib Ullah Khan Caste Kundi R/o Pai
Tehsil & District Tank.**

.....(Appellant)

VERSUS

1. Provincial Police Officer / Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police / Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Tank.

.....(Respondents)

**SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974.**

PRAYER:-

Filed to-day

[Signature]
Registrar

12/3/18

**ON ACCEPTANCE OF INSTANT APPEAL
THIS HONOURABLE TRIBUNAL BE
PLEASED TO SET ASIDE THE
DISMISSAL ORDER DATED 02/09/2008
PASSED BY THE RESPONDENT NO. 3
AND APPELLATE ORDER DATED
14/02/2018 VIDE WHICH THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED PASSED
BY THE RESPONDENT NO. 2. AND THE
APPELLANT REINSTATED AS
SERVICES WITH ALL BACK BENEFITS.**

com Able

Respectfully Sheweth:-

Re-submitted to-day

[Signature]
Registrar

3/4/18

Brief facts giving rise to instant appeal are as under:-

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, D.I.KHAN.
Service Appeal No.441/2018



Date of Institution 12.03.2018
Date of Decision 14.12.2021

Hidayat Ullah son of Nasib Ullah Khan, caste Kundi resident of
Pai Tehsil & District Tank.

(Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber
Pakhtunkhwa Peshawar and two others.

(Respondents)

Sheikh Iftikhar ul Haq,
Advocate

For appellant.

Muhammad Adeel Butt,
Additional Advocate General

For respondents.

Ahmad Sultan Tareen
Rozina Rehman

Chairman
Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that
appellant was appointed as Constable. He was proceeded against
departmentally on the allegations of absentia and ultimately was
dismissed from service vide order of DPO Tank dated 11.08.2009.
Feeling aggrieved, he filed departmental appeal which was dismissed,
hence, the present service appeal.

2. We have heard Sheikh Iftikhar ul Haq Advocate learned counsel
for appellant and Muhammad Adeel Butt, learned Additional Advocate
General for the respondents and have gone through the record and
the proceedings of the case in minute particulars.

3. Sheikh Iftikhar ul Haq Advocate learned counsel for appellant
submitted that the impugned order is illegal, against law and facts as

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

the appellant was not treated according to law and rules. That the appellant has been discriminated and given step motherly treatment as he was condemned unheard; that neither charge sheet nor show cause notice were ever communicated to the appellant and that no proper inquiry was conducted in the matter. He, therefore, requested for reinstatement of the appellant into service with all back benefits.

4. Conversely, learned DDA submitted that appellant while posted in Police Lines Tank absented himself from duty without any leave or reasonable cause w.e.f 02.09.2008 vide D.D No.07 and that he was properly charge sheeted and inquiry was conducted. He contended that notice was also published in two Daily newspapers but the appellant failed to resume his duty, therefore, was dismissed from service after fulfillment of all codal formalities.

5. From the record it is evident that the appellant was appointed as Constable on 28.02.2007. He was proceeded against departmentally on the allegations of absentia. Record shows that while posted at Police Lines Tank, he absented himself from official duty without leave w.e.f 02.09.2008. Proper charge sheet alongwith statement of allegations were served upon him through SHO of Police Station Mulazai. Muhammad Idress Khan DSP Tank was appointed as Inquiry Officer. The present appellant was summoned but he failed to appear. Final show cause notice was issued and properly served upon him, copy whereof is available on file which clearly shows the signature of the present appellant on the back of the final show cause notice. A notice was also published in Daily newspaper "Mashriq" and "Aitedal" dated 21.07.2009 with direction to appellant to resume duty but fiasco. Again he was called in orderly Room but he did not appear for his defense. He was, therefore, dismissed from service vide order dated 11.08.2009 of

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

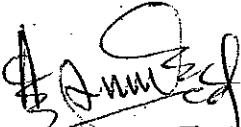
DPO Tank. He submitted departmental appeal on 27.12.2017 which was dismissed being badly time barred vide order of Regional Police Officer, Dera Ismail Khan dated 14.02.2018.

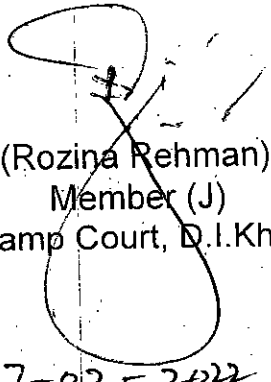
6. It is well-entrenched legal proposition that when an appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan reported in 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik reported in PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others reported in 2004 SCMR 1426.

7. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

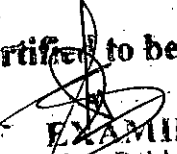
ANNOUNCED.

14.12.2021


(Ahmad Sultan Tareen)
Chairman
Camp Court, D.I.Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 07-02-2022
Number of Words 1600
Copying Fee 18/-
Urgent _____
Total 18/-
Name of Copyist _____
Date of Completion of Copy 25/02/2022
Date of Delivery of Copy _____

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 441/2018

Ex-Const. Hidayat Ullah No. 392

(Appellant).

Versus

1. Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

2. Regional Police Officer,
Dera Ismail Khan Region.

3. District Police Officer,
Tank.

)Respondents.

Para-wise comments on behalf of Respondents

Respectfully Shewith,

Para-wise comments on behalf of Respondents are submitted as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is not maintainable and badly time barred.
4. That the appellant has not come with clean hands to the Hon'able Tribunal.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honorable Tribunal.

BRIEF ON FACTS.

1. Correct to the extent.
2. Pertains to record.

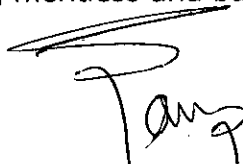
3. Incorrect because the appellant while posted in Police Lines Tank has absented himself from duty without any leave or reasonable cause with effect from 02.09.2008 vide DD No. 7 Police Lines Tank for which he was properly charge sheeted. The DSP/Investigation, Tank was nominated as Inquiry Officer. The enquiry was conducted. The inquiry report was received in which the delinquent official was held responsible for the allegations leveled against him the summary of allegations. To this effect, Public Notice was also published in well reputed Daily News Papers i.e. " Daily Mashriq and Eatedal dated 21.07.2009. The appellant was directed to join his duty and appear before the Inquiry Officer to produce his defense but despite of all possible efforts, the accused official / appellant could not appear before the Inquiry Officer intentionally. On completion of ex-parte enquiry proceedings, the appellant / accused official was awarded a Major Punishment of Dismissal from Service vide Order Book No. 1485, dated 18.08.2009 by the Competent Authority which is legal and justified.
4. Relates to record.
5. That the appellant has got no cause of action and the instant Service Appeal is not maintainable.

GROUND:

- a. Incorrect because the appellant was absent from duty without any leave or reasonable cause for which he was properly charge sheeted. During enquiry, lots of opportunities were provided for his defense but of no use. After completion of departmental proceedings, the Competent Authority has awarded major punishment of Dismissal from Service to the appellant which is legal and justified.
- b. Incorrect because the during enquiry all legal formalities were observed thus the order passed by the Competent Authority against the appellant is within the parameter of existing relevant law / rules.
- c. Incorrect. As discussed above in Para No. b.
- d. Incorrect because the appellant was absent from duty without any leave or reasonable cause. To this effect, Public Notices were also published in well reputed Daily News Papers i.e. Daily Mashriq and Eatedal dated 21.07.2009. He was also called on in orderly room. He has not joining the departmental enquiry proceedings intentionally. Therefore; despite of lot of efforts to provide opportunities of self defense and personal hearing, the appellant could not appeared before the Inquiry Officer intentionally. Thus the order passed by the Competent Authority is correct.

- e. That the Respondents may also be allowed to raise additional objection at the time of arguments

In view of above, it is humbly prayed that on acceptance of Para-wise comments, the Service Appeal may kindly be dismissed being meritless and badly time barred.



Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1



Regional Police Officer,
Dera Ismail Khan Region.
Respondent No. 2



District Police Officer,
Tank.
Respondent No. 3

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 441/2018

Ex-Const. Hidayat Ullah No. 392

(Appellant)

Versus

1. Inspector General of Police,
Khyber PakhtunKhwā, Peshawar.

2. Regional Police Officer,
Dera Ismail Khan Region.

)Respondents

3. District Police Officer,
Tank.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

We, the respondents do hereby solemnly affirm and declare on oath that the contents of Comments / Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.



Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1



Regional Police Officer,
Dera Ismail Khan Region.

Respondent No. 2
Regional Police Officer
Dera Ismail Khan



District Police Officer,
Tank.

Respondent No. 3

9-0333 پر رابطہ کرنے۔
 کی کمی کے باعث بجلی کے تقاضا پر اس وقت کوئی بندوبست نہیں کی گئی ہے۔
 کوئی بندوبست نہ ہو تو اس کی وجہ سے لوڈ شیڈنگ کا سبب بن سکتی ہے۔
 کی کمی کے باعث بجلی کے تقاضا پر اس وقت کوئی بندوبست نہیں کی گئی ہے۔
 کوئی بندوبست نہ ہو تو اس کی وجہ سے لوڈ شیڈنگ کا سبب بن سکتی ہے۔



نائب اہلکار اور صاحب شاعر عمر 65 سال۔
 دست نہیں، نئی کندہ کاپی اور کئی اخباریں سے
 اس کی کئی کئی تالیفات کے بارے میں معلومات
 اسے سوائس نمبر 9348-5591-1664 پر رابطہ
 کیا جائے گی۔

نائب اہلکار اور صاحب شاعر عمر 65 سال۔
 دست نہیں، نئی کندہ کاپی اور کئی اخباریں سے
 اس کی کئی کئی تالیفات کے بارے میں معلومات
 اسے سوائس نمبر 9348-5591-1664 پر رابطہ
 کیا جائے گی۔

یونین کونسل کوٹ کے متاثرین تاحال سرکاری امداد سے محروم

سوات (فنانسہ آج) یونین کونسل کوٹ ملاکنڈ
 ایجنسی میں متاثرین کوئی امداد سے محروم ہے۔
 نے ساہان میٹریل پارٹی کے دو درکاروں میں سے کسی کو
 ان خواتین کا اظہار عوامی توجہ پارٹی ملنگ ملاکنڈ کے
 صدر محمد عزیز خان نے ایک بیان میں کیا انہوں نے
 کہا کہ سواتی حکومت کی طرف سے ملنگ ملاکنڈ میں
 متاثرین کے لئے بھیجا گیا سامان متاثرین میں
 تقسیم کرنے کی بجائے میٹریل پارٹی کے دو درکاروں میں
 تقسیم کیا گیا اور متاثرین کو کچھ سامان کی حالت
 میں چھوڑ دیا گیا انہوں نے کہا کہ آزمائش کے اس
 وقت میں ہمیں سیاست کرنے کی بجائے متاثرین کی
 ہمدردی اور خدمت کرنی چاہئے انہوں نے ڈی ای او
 ملاکنڈ اور صوبائی ریٹیف کیشن سے مطالبہ کیا کہ واقعہ
 کی تحقیقات کی جائیں۔

نوٹس غیر حاضری

تمام کنستبل چاہت الٹو نمبر 392 ولد نصیب اللہ کنڈی سکنہ بانی قادیان مینڈ
 آپ کنستبل چاہت الٹو نمبر 392 ولد نصیب اللہ کنڈی سکنہ بانی قادیان مینڈ
 ذیول سے غیر حاضر ہیں آپ کو نوٹس دیا گیا ہے۔
 جانے سے کہ آپ اندر میں اپنی ذیول (جائے قیادت) پر حاضر ہو جائیں اور اپنی غیر حاضری کی وجہ بیان کریں
 بصورت دیگر آپ کے خلاف مجوزہ قانون (خصوصی اختیارات پولیس آرڈر 2000 ترمیمی 2005) کے تحت
 ایکشن کارروائی میں لائی جائے گی آپ اپنی منافی تحریری طور پر اور ذیول مینڈ پر ایک آفیسر کو پیش کریں
 بصورت دیگر مجوزہ قانون کے تحت آپ کو نوٹس دیا جائے گا۔ INF/DIK/30

المشہور ڈسٹرکٹ پولیس آفیسر نانک

اشعار
 عدالت جناب عطا اللہ خان جج صاحب ہنگ کوٹ۔
 پشاور۔ ذریعہ قیادت بیگ صاحبہ اڈر گریڈ 1 شاپرکمال خان ولد محمد خان 2 سواتی ٹیکسٹائل ڈپارٹمنٹ ڈپٹی سیکرٹری
 ساکھان بدایون ایصال رڈ ڈسٹرکٹ ہسپتال 770482 روئے اشہار غلام بابت ملکیت مذکورہ مذکورہ بالا بدایون
 تاریخ پیشی برائے رپورٹ نیلام 09-08-14 امراہ بالا ملکیت بدایون اراضی تعمیراتی 15 بلکہ 02 سرے اینڈ
 08 سرے اینڈ لٹل نمبر 154 پاس بک نمبر 113648 کنڈی نمبر 8/81138 ضررہ بھرت 130۔132
 چارسدہ مورسور 03/08/09 کوٹلیام کیا جا رہا ہے۔ نیلام 8 بجے سے شروع ہوگا بعد ازاں دوپہر کوٹلیام ہوگی۔ جس
 میں ہر خاص و عام حصہ لے سکتے۔ سب سے زیادہ بولی دینے والے کا سبب قرار دیا جائے گا۔ بشرطیکہ عدالت
 اس کی توثیق کرے۔ عدالت کو کوئی بولی منظور کرنے یا نہ کرنے کا اختیار حاصل ہے کہ سبب بولی و بوند کو گورڈ نیلام کام
 1/4 حصہ سونچ پر کسٹمر کے پاس اور باقی 3/4 حصہ 15 ایم عدالت ذرا میں سونچ کرنا ہوگا اگر کسی بھی شخص ادارے کو
 جائیداد مذکورہ پر کوئی بھاری بھات ہو تو نیلام سے قبل عدالت کے نوٹس میں لائیں۔ آج تاریخ 14/7/109 پر بیٹ
 میرے دستخط و مہر عدالت سے جاری کیا گیا۔
 مہر عدالت دستخط حاکم



ڈی پی او نوشہرہ تار تھالی میں ساج او بی رؤف نان کو ترقی کے سچ کا رتبہ ہیں

قوی (فنانسہ آج) سی آر سی سارک سواہی نے ساڑھ خاندان کام شدہ محمد والدین
 سے ملاوایا۔ نالیے سوات کار بائیس 8 سالہ سلطان ولد عالم گل کو اپنے چچا نگر گل اور
 والدہ کے حوالے کر دیا گیا تھیں اس کے علاوہ سی آر سی سارک سواہی کے ممبر خرمیک
 اصناف کے مشعلی رابطہ سیکریٹری کو اطلاع ملی کہ سردار ان سے آنکالی گازی میں ایک بچہ
 سلطان ولد گل محمد سواہی پھانچا ہے جو اپنے والدین سے کم ہو گیا ہے جس پر شاہ ولد نے
 موقع برقیہ کر کے کوٹھنوں میں لے لیا اور اس سے معلومات حاصل کر کے مختلف
 ریٹیف کیشنوں میں سے گیا بلکہ فریجوانا لا بورس میں پچانے بچے کو پچان لیا اور ان
 نے کئی کئی سی آر سی کو دعائیں دیں اور ان کا شکریہ ادا کیا۔

حزب آزاد سترنگ گورنمنٹ میں والدین نے بچے چار جارجیوں

3 مارچ بھارتی گورنمنٹ (صرف برصغیر) کے لیے (سیلف نائٹ) میں بنیاد پر درخواستیں طلب ہیں
 1- ایف اے ایس ای (پری میڈیکل) کم از کم 50% مارکس۔
 2- میٹرک سائنس (فزکس میٹرکری یا کیمیا میں 55% مارکس۔
 عمر: 16-30 سال۔ 30 شہریت پاکستانی
 درخواست نام آن آف پریل S.M.K اسکول آف ٹرنگ (سکل) راجہ پور چارسدہ سے 15 جون 2009 2:00
 بجے سے تمام 8:00 بجے تک۔ 3000 روپے کی ادائیگی پر حاصل کے جانتے ہیں۔
 درخواست نام میں کرانے کی آخری تاریخ 2009-8-10 ہے۔
 آخری نمٹ 16 اگست کو تک 10:00 بجے۔

مزید معلومات کیلئے پریل S.M.K اسکول آف ٹرنگ (سکل) سامی ٹولڈ رڈ ریلوے اسٹیشن روڈ شکار پور چارسدہ
 نم: 0726-617703 سمائل 0332-3945383 E-mail: smk son@yahoo.com

(FINAL AUCTION OF TOBACCO CESS COLLECTION RIGHTS AND SPILED OVER LEAVES IN NWFP FOR THE YEAR 2009-10.)

This is for information of all concerned that in pursuance of Pakistan Tobacco Board advertisement titled "Pakistan Tobacco Board Auction Notice" published in the press media i.e. Dailies, News-Islamabad/Rawalpindi, Dawn-Islamabad, Jang-Rawalpindi, Mashriq-Peshawar, Aaj-Peshawar, Express-Peshawar & Pakistan-Peshawar; as clarified in the Auction meeting held qn 14/07/2009 at 1100 hours, the next auction meeting will be held on 23/07/2009 at 1100 hours at the same venue i.e. Pakistan Tobacco Board, Head Office, at 46-B, Office Enclave, Phase-V, Hayatabad. Peshawar.

PAKISTAN TOBACCO BOARD PESHAWAR

از تحصیل میں ایسٹر پنشن میں ہیں
اشعار
 تمام ان کو ذریعہ اشہار ہذا میں کیا گیا ہے کہ تحصیل کوٹلی میں اپنے راجہ میں لیکھ جائے سال 2009-2010
 ذریعہ اشہار ہذا میں کیا گیا ہے کہ تحصیل کوٹلی میں اپنے راجہ میں لیکھ جائے سال 2009-2010
 ذریعہ اشہار ہذا میں کیا گیا ہے کہ تحصیل کوٹلی میں اپنے راجہ میں لیکھ جائے سال 2009-2010
 ذریعہ اشہار ہذا میں کیا گیا ہے کہ تحصیل کوٹلی میں اپنے راجہ میں لیکھ جائے سال 2009-2010

نمبر	مقام کی اجازت	آمنہ ایس ڈی	آمنہ ایس ڈی	آمنہ ایس ڈی	آمنہ ایس ڈی	آمنہ ایس ڈی	آمنہ ایس ڈی
1	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009
2	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009
3	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009
4	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009
5	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009
6	کوٹلی	24 جولائی	25 جولائی	27 جولائی	2009	2009	2009

نوٹ: سب سے زیادہ بولی دینے والے کو اس میں حصہ لینا ہوتا ہے۔
 ہر ایک کو بولی دینے والے کو اس میں حصہ لینا ہوتا ہے۔
 ہر ایک کو بولی دینے والے کو اس میں حصہ لینا ہوتا ہے۔

سزئی / 5140
 11.8.09

اکسٹینشن کلین (Maintenance)

جان بھائی

سکریت پسند ہلاک

اسلام پریس آپریشن شروع کر دیا ہے

اسلام پریس آپریشن شروع کر دیا ہے

اسلام پریس آپریشن شروع کر دیا ہے

یڈیشنز کو فعال بنایا جائیگا: امین فہیم

یڈیشنز کو فعال بنایا جائیگا: امین فہیم

یڈیشنز کو فعال بنایا جائیگا: امین فہیم

ت کی حمایت نہیں کرتے: لطیف کھوسہ

ت کی حمایت نہیں کرتے: لطیف کھوسہ

ت کی حمایت نہیں کرتے: لطیف کھوسہ



یو آر ٹی وی سٹیژن کی سفیر سے ملاقات کرتے ہوئے

مذہب اور پائسٹی کے بعد ان کا تعلق ہندو مت سے ہے۔ ان کے والدین نے ان کو ہندو مت میں پرورش کیا ہے۔ ان کے والدین نے ان کو ہندو مت میں پرورش کیا ہے۔ ان کے والدین نے ان کو ہندو مت میں پرورش کیا ہے۔

اعتزاز کی بات

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طرح کارکنان کی پیشکشوں کو منظور کرنا

طرح کارکنان کی پیشکشوں کو منظور کرنا

طرح کارکنان کی پیشکشوں کو منظور کرنا

طرح کارکنان کی پیشکشوں کو منظور کرنا

وزیر دفاع احمد مختار کے گجرات کے تاجروں سے کامیاب مذاکرات

وزیر دفاع احمد مختار کے گجرات کے تاجروں سے کامیاب مذاکرات

وزیر دفاع احمد مختار کے گجرات کے تاجروں سے کامیاب مذاکرات

مناظرین مالاکنڈ کی واپسی کے

مناظرین مالاکنڈ کی واپسی کے

مناظرین مالاکنڈ کی واپسی کے

پولیس غیر جانبدار

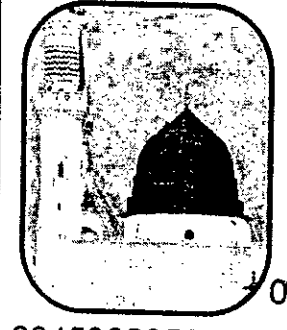
پولیس غیر جانبدار

پولیس غیر جانبدار

گورنر سردا اسی احمد غنی سے

گورنر سردا اسی احمد غنی سے

گورنر سردا اسی احمد غنی سے



یابی کے بعد اس سال بھی آپ کی خدمت میں پیش پیش

یابی کے بعد اس سال بھی آپ کی خدمت میں پیش پیش

یابی کے بعد اس سال بھی آپ کی خدمت میں پیش پیش

فون: 0966-733777 0966-733777

موبائل نمبر: 03459829533-03339977591-03005791866

فون: 0966-733777 0966-733777

موبائل نمبر: 03459829533-03339977591-03005791866

ORDER:

This order will dispose off Departmental enquiry initiated against Constable Hidayatullah No. 392 of this District Police under N.W.F.P Removal from Service (Special Powers) Ord: 2000 (Amendment Act 2005) for the allegations that Constable Hidayatullah No. 392 while posted at Police Lines Tank absented himself from official duties without any leave or permission w.e.from 02.09.2008 vide DD Sl: No. 7 Police Lines, Tank till the finalization of departmental proceedings/order. He was charge sheeted. Charge sheet along with statement of allegation was served upon him through SHO Police station, Mullazai. Muhammad Idress Khan DSP/Investigation, Tank was appointed as Enquiry Officer. During inquiry, the delinquent official along with other PWs were summoned. PWs appeared and their statements recorded which are available on file. The accused official did not appear before the inquiry officer nor submit his defense reply intentionally. After finalization of inquiry, the Inquiry Officer submitted his finding report in which the accused official was held responsible for the allegations duly framed in the Charge sheet and statement of allegation. Inquiry report received and examined. A Final show cause notice was issued and served upon him. His reply to the Final Show Cause Notice has not been received. A notice was also published in the Daily News Paper " Mashriq and Eatedal dated 21.07.2009 " with the direction to join his duty and also appear before the Inquiry Officer for his defense but of no use. He was called in orderly room held on 11.08.2009 but remained absent and didn't appear before the undersigned for his defense intentionally. His previous record was also checked. According to his previous service record, the defaulter constable was enlisted as constable on 28.05.2007. Keeping in view, the recommendation of the enquiry officer and present attitude of accused Constable Hidayatullah No. 392, it is clearly evident that he is habitual absentee and there seems no chance of becoming him punctual in future and his further retention in the department will badly affect the performance of other contingent. He is fully deserved to be dismissed from service, therefore **I, ABDUR RASHID, DISTRICT POLICE OFFICER, TANK** as competent authority under the Powers vested me under N.W.F.P Police Order (Special Powers) Ord: 2000 (Amended Act-2005), exparte action is taken and on its finalization Constable Hidayatullah No. 392 is hereby **DISMISSED FROM SERVICE FROM THE DATE OF HIS ABSENCE** i.e. 02.09.2008.

Order announced.
11.08.2009

Arashid -
(ABDUR RASHID)
District Police Officer,
Tank.

NB No: 1485

18-08-09

(5) 6
FINAL SHOW CAUSE NOTICE.

1. WHEREAS, you Const. Hidayatullah 392 while posted in the Police Lines Tank Committee, was misconduct as defined in Section 3 of NWFP Removal from Service (Special Powers) Ordinance 2000 (Amended Act-2005), resultantly you were Charge Sheeted and served with the statement of allegations and Muhammad Idrus DSP/TL was appointed to conduct enquiry.

2. WHEREAS, the Enquiry Officer/Committee finalized the Enquiry Proceedings, giving you full opportunities of defence. Subsequent upon the completion of exparte Enquiry Proceedings, the Enquiry Officer/Committee held you guilty of the charges leveled against you, as per notice. Finding of the Enquiry Officer/Committee is attached.

3. AND WHEREAS, on going through the finding and recommendation of Enquiry Officer/Committee, the material placed on record and other connected papers before the said Committee, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per absence notice. Which stand proved and render you liable to be awarded one of the MAJOR PUNISHMENT under the said rules.

4. NOW THEREFORE, Moder Rashed District Police Officer, Tank as competent authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "DISMISSAL FROM SERVICE" under Section 3 of the said Ordinance.

You are therefore, required to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

Moder Rashed
District Police Officer,
Tank.

29/4

312
07/11/19

[Signature]
2-8-08.

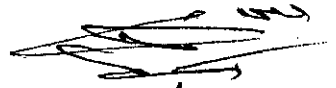
ed in the
defined
2000
the

انڈیا فٹنگ شوکار و عوامی سٹر
الہ آباد ایس ڈی ایف
392
8-5-09

حساب عالی

انڈیا فٹنگ شوکار کابینل صدر ایس ڈی ایف 392
سر درسد طور پر حسب ضابطہ طور پر تقسیم
کے لئے۔ لکھنؤ میں۔
DFC/PSMullazai
8-5-09

Sir,
farwarded pl.


SHO / Bina
9-5-09

صفحہ نمبر

عد نمبر 7 گنتی ملازمان
رپورٹ غیر حاضر

مختصر علی ای مورخہ 02 9/08 وقت 18:00 بجے اس وقت گنتی ملازمان
سی گنتی - جملہ فارغ از ڈیوٹی ملازمان کو موجودہ گنتی پانچ حکم و احکام
افسران بالا و نوکریاں بحوالہ مدد بالا پڑھا کر سنا کے و سمجھائے جائے
ملازمان سے نوکریوں پر دستخط ثبت کر کے بعد سنا کے حکم احکام افسران
افسران بالا گنتی صف نوڈ کیٹی. مینز کیٹیبل عدایت اللہ 392
گنتی میں عدم موجود یا یا جسکی خلاف رپورٹ غیر حاضر
درج روزنامہ کی کپی ہے

جناب عالی

جناب عالی

نقل بمطابق اصل ہے

Robini (103) MPE

5-02-09

کیٹیبل عدایت اللہ 392 مورخہ 29/08 سے
درجہ غیر حاضر ہے۔ تنخواہ بند ہے۔
تعمیرات کاغذ نہیں آیا ہے۔ مذکورہ
غیر حاضر کی نسبت 4 ماہ سے کہے
مذکورہ کے خلاف دیکھانے کا روالہ
کا مہیا حکم صادر فرمائیں

M. K. P. S. 612109

نقل بمطابق اصل ہے۔ گنتی کیٹیبل عدایت اللہ 392 مورخہ 29/08 سے
درجہ غیر حاضر ہے۔ تنخواہ بند ہے۔ مذکورہ
غیر حاضر کی نسبت 4 ماہ سے کہے

Be charged & summary of allegations
be issued.
Ashraf
M. K. P. S.
06/2/09

لوہ
M. K. P. S.
07/2/09

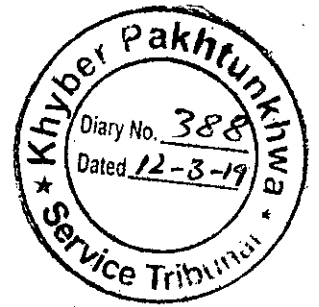
BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No 441/2018x-constable

Hidayat Ullah No. 392 Appellant

Versus

Inspector General of Police KPK etc



Put up to the court with relevant appeal.

M. S. Khan

Rejoinder on the behalf of appellant against the Para wise comments of respondents.

Respected sir,

Appellant submits as under,

REJOINDER AGAINST PRERLIMINARY OBJECTIONS:

1. That the appellant being aggrieved employee having cause of action and locus standi to file the present appeal. Thus this Para is misconceived.
2. That the answering respondents have not explained the parties which has not made/joined in the present appeal. Thus this Para is misconceived.
3. The Para no 3 is incorrect. The appeal of the appellant is well within time after the rejection of departmental appeal/representation. However separate application for condo-nation of delay has submitted. Thus in the attendant circumstances the appeal is within time.
4. The answering respondents have not mentioned the un-cleanliness of appellant. Thus this Para is missing formulated.
5. That the answering respondent has not explain the conduct of estoppel of the appellant. Thus this Para is wrong.
6. That no fact has been concealed by the appellant. Hence Para is denied.

REJOINDER ON FACTS:

1. Needs no reply as not denied.
2. Needs no reply as not denied.

3. Para No .3 of the answering respondents are denied in above terms. Acutely the mother of appellant became seriously ill. Moreover, the respondents authority never served on the appellant any charge sheet and the appellant was never heard by the respondent's authority and

further more the appellant had never read the newspaper because the appellant was busy in nursing/attending/treatment of his mother. Thus the impugned order of dismissal from service is harsh and is liable to be set aside.

4. Needs no reply as not denied.
5. The appellant being aggrieved from the impugned dismissal order from services. Hence the appellant has locus standi and cause of action and the instant service appeal is maintainable.

REJOINDER OF GROUNDS:

- a. Incorrect. The appellant never absented himself from his duty and as in attending circumstances the appellant were not given any opportunity of his defense and thus the major punishment of dismissal from service to the appellant was not legal and without reasons and justification.
- b. Incorrect. The authority has been passed the impugned order against the principal of law and service rules and also against the verdicts of superior Court and as no inquiry was made and no legal formality were observed/fulfilled while passing the impugned order of dismissal.
- c. Incorrect. No inquiry whatsoever was conducted has been the appellant and thus no legal Parameters were observed and applied by the respondent authority.
- d. Incorrect. The detail answer is available in supra Paras.
- e. The counsel for the appellant be allowed for raising additional grounds during the course of hearing.

It is therefore humbly prayed the appeal may kindly be accepted as prayed for in main appeal.

Yours humble Appellant

Hidayat Ullah

Through Counsel

Sheikh Iftikhar UI Haq

Dated: 06/02/2019

Handwritten signature and initials
sh: J/S

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No 441/2018x-constable

Hidayat Ullah No. 392 Appellant

Versus

Inspector General of Police KPK etc

AFFIDAVIT

I, **Hidayat Ullah** son of Naseeb Ullah caste Kundi R/o Pai, Tehsil & Distt: Tank, the appellant, do hereby solemnly affirm and declare on oath that contents of above appeal are true & correct to the best of my knowledge as communicated to me by my client and that nothing has been concealed from this Honorable Court.

Dated: **06/02/2019**

DEPONENT

[Handwritten signature]



[Handwritten signature]
8/3/19

24.03.2021

Learned counsel for the appellant present. Mr. Muhammad Ramazan, S.I (Legal) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal in other appeals. Adjourned. To come up for arguments before D.B at Camp Court D.I.Khan on 26.07.2021.

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

26.10.2020

Assistant to counsel for the appellant is present. Mr. Usman Ghani, District Attorney for respondents is present present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B at camp court D.I.Khan.

(Mian Muhammad)
Member(E)

(Muhammad Jamal Khan)
Member(J)
Camp Court D.I Khan

24.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before a Larger Bench of this Tribunal. Adjourned. To come up for arguments on 25.01.2021 before D.B at Camp Court DI.Khan.

(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan

(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

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

Service Appeal No. 441/2018

Hidayat Ullah

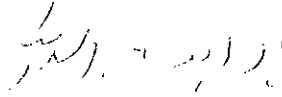
VERSUS

Provincial Police Office etc

INDEX

<u>S.NO</u>	<u>PARTICULARS</u>	<u>ANNEXURE</u>	<u>PAGE NO.</u>
1	Grounds of Service appeal along with affidavit.	—	1-3
2	Copy of appointment letter	"A"	4-
3	Copy of dismissal order	"B"	5-
4	Copy of departmental appeal	"C"	6
5	Coyp of order dated 14/02/2018	"D"	7-
6	Wakalatnama		8

Your Humble Appellant



Hidayat Ullah
Through Counsel

Dated: /0/03/2018

Shaikh Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

①

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

Service Appeal No. 441 /2018

Hidayat Ullah S/o Nasib Ullah Khan Caste Kundi R/o Pai
Tehsil & District Tank.

.....(Appellant)

VERSUS

1. Provincial Police Officer / Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police / Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Tank.

.....(Respondents)

**SERVICE APPEAL UNDER SECTION 4
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974.**

PRAYER:-

**ON ACCEPTANCE OF INSTANT APPEAL
THIS HONOURABLE TRIBUNAL BE
PLEASED TO SET ASIDE THE
DISMISSAL ORDER DATED 02/09/2008
PASSED BY THE RESPONDENT NO. 3
AND APPELLATE ORDER DATED
14/02/2018 VIDE WHICH THE
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED PASSED
BY THE RESPONDENT NO. 2. AND THE
APPELLANT REINSTATED AS
SERVICES WITH ALL BACK BENEFITS.**

Constable

Respectfully Sheweth:-

Brief facts giving rise to instant appeal are as
under:-

- 1- That appellant was appointed as constable on 28/02/2007 in the Police Department Tank. Copy of appointment letters is enclosed as Annexure "A".
- 2- That the appellant performed ^{duties} this with full satisfaction of superior, and there is ^{no} stigma and dents in their services.
- 3- That in the year 2009, the mother of the appellant ~~was~~ seriously ill and the respondents authority during this dismissed the appellant from services on 11/08/2009. Copy of dismissal order is enclosed as Annexure "B".
- 4- That in the attendant circumstances, the appellant obtained the impugned order on 26/12/2017 and submitted appeal on 27/12/2017 which was rejected on 14/02/2018 vide order Enst; No. 566/ES by respondent No. 2. Copy of departmental appeal and order dated 14/02/2018 are enclosed as Annexure "C & D".
- 5- That the appellant feeling aggrieved from the impugned orders of the respondents authority, hence the instant service appeal on the following grounds:-

GROUNDS:-

[Handwritten signature]

- a) That the impugned order is against law, facts and circumstances of the case as the appellant never remained absent from duties.
- b) That the impugned orders are against principle of law and service rules and establishment Code.
- c) That the respondents authority never conducted inquiry against the appellants and the impugned order has been passed in slip shed manner and never sustainable in the eyes of law.
- d) That the appellant was never personally heard while passing the impugned order of dismissal of the appellant.

e) That the Counsel of the Appellant may very graciously be allowed to add further grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may be accepted as prayed for.

Your Humble Appellant

[Signature]
Hidayat Ullah
Through Counsel

Dated: /03/2018

Shaikh Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

AFFIDAVIT

I, **Hidayat Ullah** S/o Nasib Ullah Khan Caste Kundi R/o Pai Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the above **Appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.



[Signature]
10/03/18

[Signature]

DEPONENT

(4)

Am - A حکم

سی ندایت اللہ ولد نصیب اللہ قوم گھڑی

سکنہ مالمی خانہ سارنگی تحصیل ٹانک

ضلع ٹانک جبکاقد 6-0 چھاتی 3.3x3.5

تعلیم 10th اور عمر بمطابق سکول سرٹیفکیٹ 28 سال 02 ماہ 07 دن ہے۔

کو بعد ملاحظہ ڈاکٹری فٹ ہونے اور تصدیق چال چلن موزوں پایا جانے کے محکمہ پولیس ضلع ٹانک میں مورخہ 28-05-2007 سے عرصہ ازمانہ تین سال کے لیے عارضی طور پر بعدہ کنشیل بھرتی کیا جا کر

ضلع ہڈاکا کنشیلری نمبر 392 الاٹ کیا جاتا ہے

تکم درج آرڈرنگ ہوئے

ڈسٹرکٹ انچارج ٹانک

آرڈرنگ نمبر 503

تاریخ 28.05.2007

تصدیق شدہ
ندایت اللہ

ORDER.

This order will dispose off Departmental enquiry initiated against Constable Hidayatullah No. 392 of this District Police under N.W.F.P Removal from Service (Special Powers) Ord: 2000 (Amendment Act 2005) for the allegations that Constable Hidayatullah No. 392 while posted at Police Lines Tank absented himself from official duties without any leave or permission w.e.from 02.09.2008 vide DD SI: No. 7 Police Lines, Tank till the finalization of departmental proceedings/order. He was charge sheeted. Charge sheet along with statement of allegation was served upon him through SIO Police station, Mullazai. Muhammad Idress Khan DSP/Investigation, Tank was appointed as Enquiry Officer. During inquiry, the delinquent official along with other PWs were summoned. PWs appeared and their statements recorded which are available on file. The accused official did not appear before the inquiry officer nor submit his defense reply intentionally. After finalization of inquiry, the Inquiry Officer submitted his finding report in which the accused official was held responsible for the allegations duly framed in the Charge sheet and statement of allegation. Inquiry report received and examined. A Final show cause notice was issued and served upon him. His reply to the Final Show Cause Notice has not been received. A notice was also published in the Daily News Paper " Mashriq and Fatedal dated 21.07.2009 " with the direction to join his duty and also appear before the Inquiry Officer for his defense but of no use. He was called in orderly room held on 11.08.2009 but remained absent and didn't appear before the undersigned for his defense intentionally. His previous record was also checked. According to his previous service record, the defaulter constable was enlisted as constable on 28.05.2007. Keeping in view, the recommendation of the enquiry officer and present attitude of accused Constable Hidayatullah No. 392, it is clearly evident that he is habitual absentee and there seems no chance of becoming him punctual in future and his further retention in the department will badly affect the performance of other contingent. He is fully deserved to be dismissed from service, therefore I, ABDUR RASHID, DISTRICT POLICE OFFICER, TANK as competent authority under the Powers vested me under N.W.F.P Police Order (Special Powers) Ord: 2000 (Amended Act-2005), exparte action is taken and on its finalization Constable Hidayatullah No. 392 is hereby **DISMISSED FROM SERVICE FROM THE DATE OF HIS ABSENCE i.e. 02.09.2008.**

Order announced.
11.08.2009

(ABDUR RASHID
District Police Officer,
Tank.

11-08-09

تصديق
مدير الشرطة

6

بخدمت جناب عزت مآب ریجنل پولیس آفیسر صاحب ڈیرہ اسماعیل خان۔

عنوان :- اپیل رحم دربارہ بحالی ملازمت

جناب عالی :-

گزارش بخضور انور ہے کہ سائل مسیٰ ہدایت اللہ مورخہ 05.08.2007 کو بطور کنسٹیبل بلٹ نمبر 392 محکمہ پولیس ضلع ٹانک میں بھرتی ہوا تھا۔ اور ٹریننگ بھی مکمل کی تھی۔ چونکہ سائل ایک پسماندہ علاقہ سے تعلق رکھتا ہے اور اللہ پاک کا امتحان تھا کہ سائل کی والدہ کینسر جیسی موذی مرض کا شکار ہوئی۔ اور ہم سب گھر والے ہمہ وقت اسکی دیکھ بھال میں مصروف تھے۔ مجھے چونکہ اپنی والدہ کی دیکھ بھال کیلئے چھٹی نہیں ملتی تھی۔ بدیں وجہ غیر حاضر ہونے کے ساتھ کافی عرصہ بعد میری والدہ اس دنیا فانی سے رخصت ہو گئی۔ اب ہم سب ایک کٹھن زندگی بسر کر رہے ہیں۔ کیونکہ میں نے بہ امر مجبوری غیر حاضر ہونے جناب DPO صاحب ٹانک نے بحوالہ آرڈر مورخہ 11.08.2009 کو محکمہ پولیس سے برطرف کر دیا تھا۔ جسکی فوٹو سٹیٹ کاپی ہمراہ لف ہے۔

اندریں سلسلہ آپ سے ہمدردانہ اپیل کی جاتی ہے کہ مجھے نوکری پر دوبارہ بحال کریں۔ تاکہ میں اور میرے بچے

موجودہ حالات کے پیش نظر عزت کی زندگی بسر کر سکیں۔ سائل تاحیات انجناب کے بچوں کو دعائیں دیتا رہو گا۔

فقط مورخہ۔ 27.12.2017

العارض

سائل سابقہ کنسٹیبل ہدایت اللہ نمبر 392 سکنہ دیہہ پائی تحصیل و ضلع ٹانک۔
شناختی کارڈ نمبر۔ 12201-0642719-9

تعمیراتی کمرہ
ہدایت اللہ

ہدایت اللہ
مورخہ 034493609



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 566 /ES,

Dated DI Khan the

14/10/2018

ORDER

This order will dispose off the departmental appeal preferred by Ex Constable Hidayat Ullah, 392 of District Tank against the punishment order of Dismissal from service from the date of absence (02.09.2008) passed by DPO Tank vide OB No. 1485 dated 18.08.2009.

Facts of the case are that he while posted at Police Lines Tank, absented himself from law full duties w.e. from 02.09.2008 vide DD No. 7 of Police Lines Tank till the finalization of departmental proceedings without any leave or permission from higher authorities. He was charge sheeted and statement of allegation were served upon him. Enquiry into the matter was conducted by DSP Investigation Tank. In the light of recommendations of Enquiry Officer, DPO Tank has awarded him the above mentioned punishment.

Feeling aggrieved against the orders of DPO Tank, the appellant preferred the instant appeal. The appellant was summoned and heard in person in Orderly Room.

Based on the appreciation of the situation painted above, I Syed Fida Hassan Shah, PSP, Regional Police Officer, DI Khan, being the competent authority, finds no substance in his appeal therefore, the same is rejected being badly time barred.


REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 567 /ES

Copy of above is sent to the DPO Tank for information with reference to his office memo No. 276/Legal/Legal dated 23.01.2018 alongwith his service record.

Encl:-

Service Roll 01
Fauji Missal 01


REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

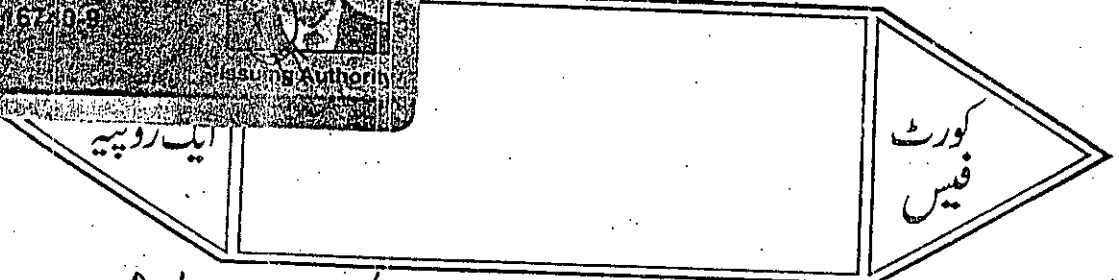
Added to the file...



SH. IFTIKHAR UL HAQ
Advocate High Court
No. C-1220-03167-10-B
SINDH-6885

وکالت نامہ

(8)



Before K.P.K Service Tribunal
Appellant: Udayatullah (منجانب) P.A. No. 15
S.A. No. 15
U/S of K.P.K. Service Tribunal
Duty Officer (تفصیل دہوی یا جرم)

باعث تحریر آنکے
D.S. Khan
Shahid Ali Khan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی و جواب دہی برائے پیشی یا تفریق مقدمہ جام
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بجز
کوکل ساختہ پر پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دہوی یا جواب دہوی یا درخواست اجراء اساتے ڈگری
نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دہوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا مشنونی ڈگری یک طرفہ یا درخواست حکم امتناعی یا ترقی
یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساختہ پرداخت صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائے التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخہ 15 مارچ 1955
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attested
Acceptable
Shahid Ali Khan
Shahid Ali Khan

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 441/2018

Ex-Const. Hidayat Ullah No. 392

(Appellant).

Versus

1. Inspector General of Police,
Khyber PakhtunKhwa, Peshawar.
2. Regional Police Officer,
Dera Ismail Khan Region.
3. District Police Officer,
Tank.

)Respondents.

Para-wise comments on behalf of Respondents

Respectfully Shewith,

Para-wise comments on behalf of Respondents are submitted as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is not maintainable and badly time barred.
4. That the appellant has not come with clean hands to the Hon'able Tribunal.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honorable Tribunal.

BRIEF ON FACTS.

1. Correct to the extent.
2. Pertains to record.

3. Incorrect because the appellant while posted in Police Lines Tank has absented himself from duty without any leave or reasonable cause with effect from 02.09.2008 vide DD No. 7 Police Lines Tank for which he was properly charge sheeted. The DSP/Investigation, Tank was nominated as Inquiry Officer. The enquiry was conducted. The inquiry report was received in which the delinquent official was held responsible for the allegations leveled against him the summary of allegations. To this effect, Public Notice was also published in well reputed Daily News Papers i.e. " Daily Mashriq and Eatedal dated 21.07.2009. The appellant was directed to join his duty and appear before the Inquiry Officer to produce his defense but despite of all possible efforts, the accused official / appellant could not appear before the Inquiry Officer intentionally. On completion of ex-parte enquiry proceedings, the appellant / accused official was awarded a Major Punishment of Dismissal from Service vide Order Book No. 1485, dated 18.08.2009 by the Competent Authority which is legal and justified.
4. Relates to record.
5. That the appellant has got no cause of action and the instant Service Appeal is not maintainable..

GROUND:

- a. Incorrect because the appellant was absent from duty without any leave or reasonable cause for which he was properly charge sheeted. During enquiry, lots of opportunities were provided for his defense but of no use. After completion of departmental proceedings, the Competent Authority has awarded major punishment of Dismissal form Service to the appellant which is legal and justified.
- b. Incorrect because the during enquiry all legal formalities were observed thus the order passed by the Competent Authority against the appellant is within the parameter of existing relevant law / rules.
- c. Incorrect. As discussed above in Para No. b.
- d. Incorrect because the appellant was absent from duty without any leave or reasonable cause. To this effect, Public Notices were also published in well-reputed Daily News Papers i.e. Daily Mashriq and Eatedal dated 21.07.2009. He was also called on in orderly room. He has not joining the departmental enquiry proceedings intentionally. Therefore; despite of lot of efforts to provide opportunities of self defense and personal hearing, the appellant could not appeared before the Inquiry Officer intentionally. Thus the order passed by the Competent Authority is correct.

e. That the Respondents may also be allowed to raise additional objection at the time of arguments

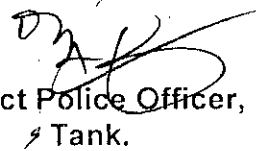
In view of above, it is humbly prayed that on acceptance of Para-wise comments, the Service Appeal may kindly be dismissed being meritless and badly time barred.



Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1



Regional Police Officer,
Dera Ismail Khan Region.
Respondent No. 2



District Police Officer,
Tank.
Respondent No. 3

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 441/2018

Ex-Const. Hidayat Ullah No. 392

(Appellant).

Versus

1. Inspector General of Police,
Khyber PakhtunKhwā, Peshawar.

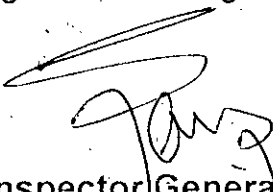
2. Regional Police Officer,
Dera Ismail Khan Region.

)Respondents.

3. District Police Officer,
Tank.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

We, the respondents do hereby solemnly affirm and declare on oath that the contents of Comments / Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1


Regional Police Officer,
Dera Ismail Khan Region.

Respondent No. 2
Regional Police Officer
Dera Ismail Khan


District Police Officer,
Tank.

Respondent No. 3

اکسٹرنل مینٹیننس
جانے رہے ہیں

گراہ خوادہ اضافہ کیا ہے
 ہے ہیں، جناب حکومت نے
 تعلیم کے بجٹ میں خاطر خواہ
 ملاحظوں پر (بقیہ نمبر 35 پر)

مسکریت پسند ہلاک

اسلام پور میں آپریشن شروع کر دیا ہے
 کے قریب مکانات اور 3 کانٹینر سمارکری
 آئی ایس پی آر کی جاری کردہ پولیس ریلیز کے مطابق
 4 فورس نے بھڑور میں آپریشن (بقیہ نمبر 36 پر)

یہ پیمشن کو فعال بنایا جائیگا: ایمن فہیم

پیمشن دہرانے کے صحیح اندازوں پر پیمشن کو فعال بنایا جائیگا
 توجہ مرکوز کی گئی ہے تاکہ ملک کی اقتصادی بحالی کے لیے ترقی
 اور خوشحالی کے اہلکار کو حاصل کیا جاسکے، برآمدات میں
 اضافہ کیلئے بیرون ملک ٹریڈ منسٹر (بقیہ نمبر 37 پر)

سیت تمام بحرانوں کے ذمہ دار ہیں: احسن اقبال

پورے ملک کے لیے کوئی بھی قابل ذکر عمل نہیں بنائی
 ان سیت تمام بحرانوں کے ذمہ دار ہیں اس لیے پروڈ
 شرف کے خلاف ٹی وی پروگراموں میں کیا جائے۔ منگل کو
 بیان اپنے بیان میں انہوں نے کہا (بقیہ نمبر 38 پر)

سیت تمام بحرانوں کے ذمہ دار ہیں: احسن اقبال

پورے ملک کے لیے کوئی بھی قابل ذکر عمل نہیں بنائی

ان سیت تمام بحرانوں کے ذمہ دار ہیں اس لیے پروڈ
 شرف کے خلاف ٹی وی پروگراموں میں کیا جائے۔ منگل کو
 بیان اپنے بیان میں انہوں نے کہا (بقیہ نمبر 38 پر)

ت کی حمایت نہیں کرتے: لطیف کھوسہ

ان سیت تمام بحرانوں کے ذمہ دار ہیں اس لیے پروڈ
 شرف کے خلاف ٹی وی پروگراموں میں کیا جائے۔ منگل کو
 بیان اپنے بیان میں انہوں نے کہا (بقیہ نمبر 38 پر)



دو ترمی سینیٹور کی سنیئر سے ملاقات کرتے ہوئے

یابی کے بعد اس سال بھی آپ کی خدمت میں پیش پیش

سنز • نزدیک ترین رہائش • آنے جانے کا کنفرم ٹکٹ
 انڈس موجود • مکمل ٹرانسپورٹ

انٹرنیٹ گیسٹ مغربی سرفرورڈ ڈیپریہ اسماعیل خان

اعتزاز کی بات

عامہ کو حقائق اور سچائی سے باخبر کرنا اور انہیں مطبوعات کی
 فراہمی کوئی منافع بخش کاروبار نہیں بلکہ یہ ایک سادہ اور فوری
 جدوجہد ہے۔ سچے سچے تحریر کے ایک مشن ہے، احتمال، سچی
 علم کا مقصد سچی اطلاع دہانی فوری چیختوں کو حاضر عام پر لانا ہے کہ
 لاج کی پردوں سے جن کو چھپایا جاتا ہے، ہمارے چار سالہ
 تاریخ کو حاضر سچی بین ہمارے گوی کے لئے نا کافی نہیں ہم
 ہم پرورش نوح کو غم کرتے رہیں گے
 جودہ کی ترقی ہے ہم کرتے رہیں گے
 ہم نے یہ عہد کیا ہے کہ ہم کو خاتم اور طاقتور سے ڈرنے کے
 بجائے پیش قدمی اور سچی ہمیں گے۔
 لاکھ بڑے عدل کو بھاتا سچی ہمیں لگنے جاتا

اس عنوان کے نام پر سوشل نیٹ ورک پر لکھی جانے والی تحریرات نے اپنے کاروبار اور
 بعض متاثرہ کاروباری حضرات نے اپنے پیش قدمی کر دیا۔ ایلیان ڈیڑھ کا پولیس سے فوری طور پر سوشل نیٹ ورک
 کاروبار ڈیڑھ ایٹھ ماہ کے نام پر سوشل نیٹ ورک میں ختم کرنے کا مطالبہ
 کرنے شروع کر دیے۔ بعض متاثرہ کاروباری حضرات نے
 اپنے پیش قدمی کر دیا۔ ایلیان ڈیڑھ کا پولیس سے

متاثرین مالکان کی دہائی کے
 شیڈول میں ایک دن کا وقفہ
 پتار (اے پی ٹی) متاثرین کی دہائی کے عمل کو
 حوازی اور عمل بنانے کی غرض سے دہائی کے شیڈول میں
 جمرات 23 جولائی کو ایک دن (بقیہ نمبر 4 پر)

گورنر سردا میں احمدی سے
رکن سردا اسمبلی اور عمر کی ملاقات
 پتار (اے پی ٹی) متاثرین کی دہائی کے عمل کو
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 جمرات 23 جولائی کو ایک دن (بقیہ نمبر 4 پر)

سختیوں اور سوسائٹ اور سرسوان سن سہا بن سے
 جذبات کو کی بدخواہ ہمارے اس کاوش پر سخت ذٹی کر رہے
 تھے اور باسٹری کر کے کہہ رہے تھے کہ ان کے ٹونوں میں کہ
 جس کے بعد ان کا تیرا نہ بھر جائے گا۔ ہم خود بھی اس ستر
 کے آغاز سے کسی ایسا عاری، اور دل سے آگے جانے
 کی کاوش ہی کر سکتے تھے سو ہم نے اس طرح اس ستر میں ہم
 نے اس روز ہی سے کہ جس روز سے، احتمال، کا اجراء ہوا
 یہ طے کر لیا تھا کہ ہر دن کو بھی جس کر اور خندہ پتانی ہی
 سے لگے لگائیں گے گھر اس ذات عالی کا کرم اس کی رحمت
 اور اس کی خصوصی مہربانی کی ہماری ہر قدم آگے بڑھتا گیا اور
 ہوتا ہی گیا اس میں نیک سچی اور سب سے بڑھ کر ان
 بزرگوں کی دعا میں شامل ہیں کہ جن کی بدولت اللہ کریم نے
 ہمارے اوپر اپنی خصوصی مہربانی تادم جہاں ہمہ دوجے سے تھا
 اور وہ ہے کہ ہم نے اس ستر میں لفظوں کا پورا نہیں کیا بلکہ
 اپنی دستہ مطبوعات کو اپنے پاس رکھنے سے بجائے چھاپا
 اس سے کیا ہے ہمارے سوہنے سے ہمارے ستر میں سولہ لی
 ہم نے روز اول سے یہ طے کر لیا تھا کہ اپنے مذہب اور دل
 پر سورا ہادی نہیں کریں گے سو ہم نے اس پر پورا اتنے کی
 کوشش کی اور اب بھی ہمارے اس ادارے کی بحال میں
 ہمارے ہر قدم پر مدد فرمائی اس سالوں کی کاوش میں ہمارا مہتمم
 سرا یہ وہ کارکن تھے کہ جن کی زان میں اس اخبار کو ذہب و
 زینت دے کر رہیں اس ستر میں ہمارے لئے قابل فریات
 یہ سچی تھی کہ ہمارے کاظم راجیف تین ہمارے چیف ایڈیٹر
 کرم محمد عرفان سفل سے بھی اپنی رائے میں اس عظیم کاوش کی

ان سیت تمام بحرانوں کے ذمہ دار ہیں: احسن اقبال

ت کی حمایت نہیں کرتے: لطیف کھوسہ

وزیر دفاع احمد مختار کے گجرات کے تاجروں سے کامیاب مذاکرات

تاجروں کا ہڑتال سے لاتعلقی کا اظہار گجرات میں دکانیں کھلی اور ٹریڈک رواں دواں رہتی

گجرات اسلام آباد (اے پی ٹی) وزیر دفاع احمد مختار کے گجرات کے تاجروں سے کامیاب مذاکرات کی کوال پر کوئی ہڑتال نہیں (بقیہ نمبر 41 پر)

فیس غیر حاضر ہی

عام کاشییل ہدایت اللہ نمبر 392 دلہ نصیب اللہ رقم کڈی سکے پائی قات ملازنی صلح نامہ
 آپ کاشییل ہدایت اللہ نمبر 392 دلہ نصیب اللہ رقم کڈی سکے پائی قات ملازنی صلح نامہ
 سے اپنی ڈیوٹی سے غیر حاضر ملے آ رہے ہیں جو کہ آپ کی غیر حاضری بلا جواز ہے۔
 بذریعہ اشتہار آپ کو اطلاع دی جاتی ہے کہ آپ اندر میں ہم اپنی ڈیوٹی (جائے تھیں) پر حاضر ہو
 جائیں اور اپنی غیر حاضری کی وجہ بیان کریں بصورت دیگر آپ کے خلاف مجوزہ قانون (خصوصی اختیارات پولیس
 آرڈ 2000 مئی 2005) کے تحت ٹیکسٹ فاروائٹ عمل میں لائی جائیگی۔ آپ اپنی صفائی تحریری طور پر اور ذہنی
 طور پر انکو آزی آفر کو پیش کریں بصورت دیگر ملا غیر حاضری کی بنا پر آپ کو ملازمت سے سبکدوش کر دیا جائیگا۔

No: INP/DIK/30



فجر صفری
فجر صفری
فجر صفری

عمرہ کریں اطمینان کے ساتھ

نزدیک ترین رہائش • آنے جانے کا کنفرم ٹکٹ

انڈس موجود • مکمل ٹرانسپورٹ

انٹرنیٹ گیسٹ مغربی سرفرورڈ ڈیپریہ اسماعیل خان

فون: 0966-733777

موبائل نمبر: 03459829533-0333997591-03005791866

مدیرانہ / 2450

ORDER.

This order will dispose off Departmental enquiry initiated against Constable Hidayatullah No. 392 of this District Police under N.W.F.P Removal from Service (Special Powers) Ord: 2000 (Amendment Act 2005) for the allegations that Constable Hidayatullah No. 392 while posted at Police Lines Tank absented himself from official duties without any leave or permission w.e.from 02.09.2008 vide DD Sl: No. 7 Police Lines, Tank till the finalization of departmental proceedings/order. He was charge sheeted. Charge sheet along with statement of allegation was served upon him through SHO Police station, Mullazai. Muhammad Idress Khan DSP/Investigation, Tank was appointed as Enquiry Officer. During inquiry, the delinquent official along with other PWs were summoned..PWs appeared and their statements recorded which are available on file. The accused official did not appear before the inquiry officer nor submit his defense reply intentionally.. After finalization of inquiry, the Inquiry Officer submitted his finding report in which the accused official was held responsible for the allegations duly framed in the Charge sheet and statement of allegation. Inquiry report received and examined. A Final show cause notice was issued and served upon him. His reply to the Final Show Cause Notice has not been received. A notice was also published in the Daily News Paper " Mashriq and Eatedal dated 21.07.2009 " with the direction to join his duty and also appear before the Inquiry Officer for his defense but of no use. He was called in orderly room held on 11.08.2009 but remained absent and didn't appear before the undersigned for his defense intentionally. His previous record was also checked. According to his previous service record, the defaulter constable was enlisted as constable on 28.05.2007. Keeping in view, the recommendation of the enquiry officer and present attitude of accused Constable Hidayatullah No. 392, it is clearly evident that he is habitual absentee and there seems no chance of becoming him punctual in future and his further retention in the department will badly affect the performance of other contingent. He is fully deserved to be dismissed from service, therefore **I, ABDUR RASHID, DISTRICT POLICE OFFICER, TANK** as competent authority under the Powers vested me under N.W.F.P Police Order (Special Powers) Ord: 2000 (Amended Act-2005), ex parte action is taken and on its finalization Constable Hidayatullah No. 392 is hereby **DISMISSED FROM SERVICE FROM THE DATE OF HIS ABSENCE** i.e. 02.09.2008.

Order announced.
11.08.2009

Arashid
(ABDUR RASHID)
District Police Officer,
Tank.

OB No: 1485

18-08-09

(5) 6
FINAL SHOW CAUSE NOTICE

1. WHEREAS, you Mustafiz Hidayatullah, 392 while posted in the Police Lines, Tank committed gross misconduct as defined in Section 3 of NWFR, Removal from Service (Special Powers) Ordinance 2000 (Amended Act-2005), resultantly you were Charge Sheeted and served with the statement of allegations and Muhammad Idrees was appointed to conduct enquiry.

2. WHEREAS, the Enquiry Officer/Committee finalized the Enquiry Proceedings, giving you full opportunities of defence. Consequent upon the completion of exparte Enquiry Proceedings, the Enquiry Officer/Committee held you guilty of the charges leveled against you as per notice. Finding of the E.O is attached.

3. AND WHEREAS, on going through the finding and recommendation of Enquiry Officer/Committee, the material placed on record and other connected papers before the said Committee, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per absconce notice. Which stand proved and render you liable to be awarded one of the MAJOR PUNISHMENT under the said rules.

4. NOW THEREFORE, Moderay Rashid District Police Officer, Tank as competent authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "DISMISSAL FROM SERVICE" under Section 3 of the said Ordinance.

You are therefore, required to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

Moderay Rashid
District Police Officer,
Tank.
4/29/4

312
Moderay Rashid
Moderay Rashid
2-5-08.

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defined
2000
the

ایڈیٹڈ قطعہ فائنل شوکار وصول شد
المیڈیا ایٹ الیہ تعلیم دور 392
FC 8-5-09

حساب عالی

ایڈیٹڈ قطعہ فائنل شوکار کانٹریبل صدر ایٹ الیہ 392

پیر درسد طور پر حسب ضابطہ طور پر تقسیم کی گئی

پیر لورڈ عدلیہ پیر

DFC/PS Mulla zai

8-5-09

Sir,

Farwas deel. M.

~~Handwritten signature~~

SHO / Bina

9-5-09

عدالت گنتی ملازمان
رپورٹ غیر حاضر

محض علی ای مورخہ 29/08/02 وقت 18:00 بجے اس وقت گنتی ملازمان
سے گنتی - جملہ فارغ از ڈپوٹی ملازمان کو موجودہ گنتی پانچ حکم و احکام
افسران بالا و نوکریاں بحوالہ فدہ بالا پڑھا کر سنا کے و سمجھا کے جا کر
ملازمان سے نوکریوں پر دستخط ثبت کر کے بعد سنا کے حکم احکام افسران
افسران بالا گنتی صف نوڈ گنتی. نمبر گنتی عدالت اللہ 392

گنتی میں عدم موجود یا باجکی خلاف رپورٹ غیر حاضر
درج روزنامہ کیجائی ہے

جناب عالی

جناب عالی

نقل بمطابق اصل ہے

Raminil 103
MHE
5-02-09

گنتی عدالت اللہ 392 مورخہ 29/08/02 سے
بیشمار غیر حاضر ہے۔ سنوارہ نہ ہے۔
تعمیرات حاکم بنیاد آبا ہے۔ مذکورہ لہ
غیر حاضر لہ آبا 4 ماہ سے کہ ہے
مذکورہ کے خلاف حکام کاروائی کے
کا بنیاد - قلم ادارہ فرائض
M. K. TANK
612109

جناب عالی گنتی عدالت اللہ 392 مورخہ 29/08/02 سے
بیشمار غیر حاضر ہے۔ سنوارہ نہ ہے۔
تعمیرات حاکم بنیاد آبا ہے۔ مذکورہ لہ
غیر حاضر لہ آبا 4 ماہ سے کہ ہے
مذکورہ کے خلاف حکام کاروائی کے
کا بنیاد - قلم ادارہ فرائض

Be charged & heated &
Summary of allegations
be issued.
Ashtad.
M. K. TANK
02/02/09

لہ
M. K. TANK
07/02/09

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No 441/2018x-constable

Hidayat Ullah No. 392 Appellant

Versus

Inspector General of Police KPK etc

Rejoinder on the behalf of appellant against the Para wise comments of respondents.

Respected sir,

Appellant submits as under,

REJOINDER AGAINST PRERLIMINARY OBJECTIONS:

1. That the appellant being aggrieved employee having cause of action and locus standi to file the present appeal. Thus this Para is misconceived.
2. That the answering respondents have not explained the parties which has not made/joined in the present appeal. Thus this Para is misconceived.
3. The Para no 3 is incorrect. The appeal of the appellant is well within time after the rejection of departmental appeal/representation. However separate application for condo-nation of delay has submitted. Thus in the attendant circumstances the appeal is within time.
4. The answering respondents have not mentioned the un-cleanliness of appellant. Thus this Para is missing formulated.
5. That the answering respondent has not explain the conduct of estopple of the appellant. Thus this Para is wrong.
6. That no fact has been concealed by the appellant. Hence Para is denied.

REJOINDER ON FACTS:

1. Needs no reply as not denied.

2. Needs no reply as not denied.

3. Para No .3 of the answering respondents are denied in above terms. Acutely the mother of appellant became seriously ill. Moreover, the respondents authority never served on the appellant any charge sheet and the appellant was never heard by the respondent's authority and

further more the appellant had never read the newspaper because the appellant was busy in nursing/attending/treatment of his mother. Thus the impugned order of dismissal from service is harsh and is liable to be set aside.

4. Needs no reply as not denied.

5. The appellant being aggrieved from the impugned dismissal order from services. Hence the appellant has locus standi and cause of action and the instant service appeal is maintainable.

REJOINDER OF GROUNDS:

a. Incorrect. The appellant never absented himself from his duty and as in attending circumstances the appellant were not given any opportunity of his defense and thus the major punishment of dismissal from service to the appellant was not legal and without reasons and justification.

b. Incorrect. The authority has been passed the impugned order against the principal of law and service rules and also against the verdicts of superior Court and as no inquiry was made and no legal formality were observed/fulfilled while passing the impugned order of dismissal.

c. Incorrect. No inquiry whatsoever was conducted has been the appellant and thus no legal Parameters were observed and applied by the respondent authority.

d. Incorrect. The detail answer is available in supra Paras.

e. The counsel for the appellant be allowed for raising additional grounds during the course of hearing.

It is therefore humbly prayed the appeal may kindly be accepted as prayed for in main appeal.

Yours humble Appellant

Hidayat Ullah

Dated: 06/02/2019

Through Counsel

Sheikh Iftikhar Ul Haq

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No 441/2018x-constable

Hidayat Ullah No. 392 Appellant

Versus

Inspector General of Police KPK etc

AFFIDAVIT

I, **Hidayat Ullah** son of Naseeb Ullah caste Kundi R/o Pai, Tehsil & Distt: Tank, the appellant, do hereby solemnly affirm and declare on oath that contents of above appeal are true & correct to the best of my knowledge as communicated to me by my client and that nothing has been concealed from this Honorable Court.

Dated: **06/02/2019**

DEPONENT

[Handwritten signature]
by



[Handwritten signature]
8/3/19