


11.03.2020

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Fayaz H.C present. Learned counsel for the appellant sought withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
11.03.2020

28.08.2019

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant submitted an application for adjournment. Adjourn. Case to come up for arguments on 12.11.2019 before D.B.


Member


Member

12.11.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents present. and seeks adjournment.

In view of the stance of the respondent that the appellant had gone abroad and remained there for earning his livelihood. Passport Travel History of appellant be requisitioned for the next date fixed as. Adjourn to 14.01.2020 before D.B.


Member


Member

14.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 11.03.2020 before D.B. Appellant be put to notice for the date fixed,


Member


Member

12.02.2019

Clerk to counsel for the appellant present. Fayaz H.C representative of the respondent department present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 13.03.2019 before 8.B.


Member

13.03.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Fayaz, Head Constable for the respondents present and submitted written reply. Adjourned to 08.05.2019 for rejoinder and arguments before D.B-II.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.05.2019

Counsel for the appellant and Addl: AG alongwith Mr. Fayaz, H.C for respondents present.

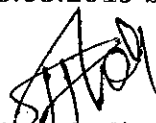
Due to paucity of time, the instant matter is adjourned to 02.07.2019 for arguments before D.B.


Member


Chairman

02.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 28.08.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

31-10-18

Due to Retirement of Honorable
Chairman the Tribunal is non functional
therefore the case is adjourned to come
for the same on 17-12-2018

[Signature]
Reader

17.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Wisal Ahmad Inspector present. Written reply not received. Representative of the respondents seeks time to furnish written reply. Granted. To come up for written reply/comments on 23.01.2019 before S.B

[Signature]

Member

23.01.2019

Junior to counsel for the appellant present. Written reply not submitted. Hayat AD representative of the respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 12.02.2019 before S.B.

[Signature]

Member

03.09.2018 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter alia that the appellant joined Police Department Nowshera in the year 2007; that the appellant was transferred to FRP Peshawar where he performed duties for three (03) years and again transferred to Regular District Police Nowshera vide order dated 03.04.2010, however due to threats to his life, the appellant could not join and performed his duties up till 21 January 2018; that the appellant entered into compromise with his relatives and as a result situation became better and soon after the compromise the appellant submitted application to his hi-ups for joining duties. Further argued that the respondents refused to accept the arrival of the appellant and he was verbally told that he has already removed from service; that the appellant demanded documents regarding his removal from service but the same were denied to him on the pretext that the documents were taken away by the flood in the year 2010; that the departmental appeal dated 07.05.2018 of the appellant was not responded.


In the interest of justice the present service appeal is admitted for regular hearing subject to all the legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 31.10.2018 before S.B. The Office Objection in respect of failure of the appellant to attach the copy of the impugned order and other related documents with the present appeal is disposed off accordingly.

Member

Appellant Deposited
Security & Process Fee

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. _____/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/08/2018	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection and time limitation. To be put up there on 03.09.2018.</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Muhammad Saeed son of Akbar Ali r/o village Khesghi Distt. Nowshera received today i.e. on 09.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of removal from service order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copies of charge sheet, statement of allegations, show cause notice, inquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexurs of the appeal may be attested.

No. 1573 /S.T.

Dt. 10/8 /2018.


REGISTRAR 10/8/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Gohar Ali Adv. Pesh.

R/Sir

For para no 1, impugned order is not given to the appellant by respondents - verbally told the removal - as Ground B of appeal reveals.


(2) For para no 2: No charge sheet, no show cause no statement of allegations or inquiry report is available, not served upon the appellant. as per para to Grad. B & C of appeal revealed as mentioned.

(3) The annexures are attested in para No. 3.

So the appeal is re-submitted after completion please.

Returned again

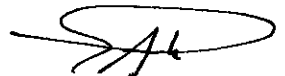
The observations of the Tribunal are still stands. Be remanded and re-submitted the same within 7 days.


15/8/18.

~~People's Union~~

R/S,

To the Council of the appellat. sub. comit
with the affidavit that my client has
asked the impugned order of removal from
the respondents who refused to give me
and stated that all documents regarding
appellat case has floated away in flood.
so these are not available. My please
be fixed before the Tribunal.




G. H. Akhlagi

Advocate, Jalandhar

dt. 15/8/2018.

Sir,

The observations of this Tribunal and
verdict of counsel for the appellant is
submitted for your kind please.


15/8/18

Humble
Chauhan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1101 /2018

Mohammad Saeed.....(Appellant)

V E R S U S

District Officer of Regular Police, District Nowshera and
others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal with Affidavit		1-6
2.	Application with Affidavit		7-9
3.	Addresses of the parties		10
4.	Copies of transfer letter and transfer order of appellant	A & B	11-12
5.	Copy of compromise deed	C	13-0
6.	Copy of reference letter	D	14-0
7.	Copy of appeal	E	15-16
8.	Wakalat Nama	—	17

M. Saeed
Appellant

Through

Dated: 08/08/2018

Gohar Ali Khashgi
Advocate High Court
Peshawar
Gohar Ali Khashgi
Advocate High Court,
Peshawar.
Cell No. 0345-9082942

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1101 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1261

Dated 09-8-2018

Mohammad Saeed S/o Akbar Ali R/o Village Kheshgi
Payan, Tehsil and District Nowshera, Ex-Constable Regular
Police, Nowshera, Bearing No. 128.....(Appellant)

V E R S U S

1. District Officer of Regular Police, District Nowshera.
2. Commandant Frontier Reserve Police, Khyber
Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary
Home, Secretariat, Peshawar.....(Respondents)

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, 1974, FOR
REINSTATEMENT OF THE APPELLANT IN
SERVICE WITH ALL BACK BENEFITS AND SET
ASIDE THE IMPUGNED ORDER OF THE
RESPONDENT NO. 1, WHO REFUSED TO
ACCEPT THE ARRIVAL OF APPELLANT FOR
DUTY, AGAINST THE IMPUGNED ORDER OF
THE RESPONDENT NO. 1 WHO AWARDED
MAJOR PUNISHMENT OF REMOVAL FROM
SERVICE AS VERBALLY TOLD THE ALLEGE
REASON OF ABSENCE.

Filed to-day
Registrar
9/8/18


*No Copy of impugned order
is not given to the appellant. Not
available.*
Gokar Ali Kheshgi
Advocate High Court
Peshawar

2

Respectfully Sheweth:

The facts giving rise to the following Appeal of the appellant are as under:

1. That the appellant was appointed/ employed as Constable in Regular Police by respondent No. 1 in 2007 in District Nowshera and performed duty with entire satisfaction of superiors with unblemished record.
2. That the appellant was transferred to FRP Peshawar where the appellant performed duty for three years with unblemished record and again transferred to Regular District Police Nowshera, transfer order to DPO dated 03/04/2010. (Copies of transfer letter and transfer order of appellant are attached as annexure "A" and "B").
3. That after 30/04/2010 all of a sudden, the appellant was suffered from personal grudges over the landed property with his relatives who issued threats of dire consequences to the appellant. So in such constraint and bloody situation it was very


Gohar Ali Kheshti
Advocate High Court
Peshawar

different for the appellant to perform duty and continue his service due to that reason the appellant was out of service upto 21 January, 2018.

4. That now the appellant has entered into compromise with the relative and the situation has become better as reference to deed of compromise. (Copy of compromise deed is attached as annexure "C").
5. That soon after the compromise effected, the appellant submitted the application to high-up's for duty but they refused to accept his arrival and verbally told that appellant is already removed from service, then appellant demanded the documents who denied to give with a reason that the documents are flown away in flood in 2010 as reference letter of the appellant. (Copy of reference letter is attached as annexure "D").
6. That feeling aggrieved, appellant filed departmental appeal dated 07/05/2018 to the respondent No. 3, who slept over it and 90 days have been elapsed,



Gohar Ali Khesghi
Advocate High Court
Peshawar

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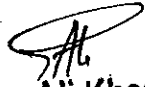
hence this appeal to Service Tribunal, Peshawar.

(Copy of appeal is attached as annexure "E").

7. That the appellant files the instant appeal before the Service Tribunal K.P.K, Peshawar, inter-alia on the following grounds:

GROUND:

- A. That the impugned order of the respondents are not speaking order. Having no legal footing to stand on, needs to set aside.
- B. That the impugned verbal order of the respondent is unlawful, fanciful, arbitrary and with colourable exercise of the respondent is not tenable.
- C. That the appellant was condemned unheard and no codal formalities were fulfilled by the respondents regarding, charge sheet, enquiry, final show case notice and no impugned order of dismissal was issued to the appellant.


Gohar Ali Kheshti
Advocate High Court
Peshawar

- 5
- D. That the appellant was unsafe and effected from the relatives and respondents marked him absent and without giving him chance of hearing, condemned unheard, removed dismissed/ terminated from service in absentia.
- E. That the impugned order of respondents is also not based on cogent reason, needs set aside.
- F. That the appellant may also be allowed to reply on additional grounds at the time of arguments please.

It is, therefore, prayed that on acceptance of this appeal, the impugned order may kindly be set aside and the respondents my please be directed to order the reinstatement of appellant in service, with all back benefits please.

Dated: 08/08/2018

Through

M. Saq
Appellant
Gohar Ali Khashgi
Advocate High Court
Peshawar
G.A.
Gohar Ali Khashgi
Advocate High Court,
Peshawar.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2018

Mohammad Saeed.....(Appellant)

V E R S U S

District Officer of Regular Police, District Nowshera and
others.....(Respondents)

AFFIDAVIT

I, Mohammad Saeed S/o Akbar Ali R/o Village Kheshgi
Payan, Tehsil and District Nowshera, Ex-Constable Regular
Police, Nowshera, Bearing No. 128, do hereby solemnly
affirm and declare that all the contents of the accompanying
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Tribunal.

M. Saeed

DEPONENT

CNIC 17201-9652854-5

At
Gonar Ali Kheshgi
Advocate High Court
Peshawar

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2018

In

Service Appeal No. _____/2018

Mohammad Saeed.....(Appellant)

V E R S U S

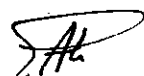
District Officer of Regular Police, District Nowshera and
others.....(Respondents)

APPLICATION FOR CONDONATION OF
DELAY IF ANY.

Respectfully Sheweth:

The petitioner/appellant submits as under:

1. That the above subject cited appeal has been filed before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar, in which there is no date yet fixed.
2. That the absence of the petitioner is not willful, but due to the constraint/criminal situation at home with the nearest relative.


Gohar Ali Khesgi
Advocate High Court
Peshawar

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3. That whenever the situation became normal and atmosphere become clear the appellant attended the duty place but was refused by the respondent.
4. That there is no bar on condonation of delay.
5. That the petitioner would be careful in future.

It is, therefore, humbly prayed that on acceptance of this petition the petitioner's absence may please be condoned if any.


Appellant

Through

Dated: 08/08/2018


Gohar Ali Khashgi
Advocate High Court
Peshawar
Gohar Ali Khashgi
Advocate High Court,
Peshawar.

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M. No. _____/2018

In

Service Appeal No. _____/2018

Mohammad Saeed.....(Appellant)

V E R S U S

District Officer of Regular Police, District Nowshera and
others.....(Respondents)

AFFIDAVIT

I, Mohammad Saeed S/o Akbar Ali R/o Village Kheshgi
Payan, Tehsil and District Nowshera, Ex-Constable Regular
Police, Nowshera, Bearing No. 128, do hereby solemnly
affirm and declare that all the contents of the accompanying
Application are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Tribunal.

MSAE
DEPONENT

CNIC - 1720196528545

Affirmed
MSAE

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2018

Mohammad Saeed.....(Appellant)

V E R S U S

District Officer of Regular Police, District Nowshera and
others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Mohammad Saeed S/o Akbar Ali R/o Village Khesghi
Payan, Tehsil and District Nowshera, Ex-Constable Regular
Police, Nowshera, Bearing No. 128.

RESPONDENTS:

1. District Officer of Regular Police, District Nowshera.
2. Commandant Frontier Reserve Police, Khyber
Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary
Home, Secretariat, Peshawar.

M. Saeed
Appellant

Through

Dated: 08/08/2018

Gohar Ali Khesghi
Advocate High Court
Gohar Ali Khesghi
Advocate High Court,
Peshawar.

From: The Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

To: The District Police officer,
Nowshera.

A
P-11

/SRC Dated: Peshawar, the 29/04/2010.

Subject: TRANSFER OF LOWER SUBORDINATES.

Memo:

Please refer to PPO/KPK, Peshawar order Endst: No.9259-62/E-II

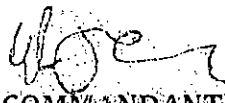
dated 03.04.2010.

The service documents of the following Constables are sent herewith for record in your office which may be acknowledged.

1. Cosntable Syed Ali Shah No. 1565
2. // Habib Ur Rehman No. 1646
3. // Syed Johar Ali Shah No. 371
4. // Shahzad Khan No. 1535
5. // Nawaz Khan No. 1609
6. // Fazal Akbar No. 1723
7. // Muhammad Kazim No. 1761
8. // Noor Islam No. 1785
9. // Wakeel Ahmad No. 910
10. // Muhammad Saeed No. 128
11. // Habib Ullah No. 638
12. // Hamid Shah No. 1242
13. // Muhammad Saeed No. 1313
14. // Sohail Ahmad No. 1323
15. // Asad Ali No. 1423
16. // Atta Ullah No. 1438
17. // Muhammad Sareer No. 1792
18. // Rab Nawaz No. 1795
19. // Anwar Zeb 1834
20. // Yousaf Ali No. 1913
21. // Muhammad Fahim 348

Encl: S.Roll (21)
E.Missal (20)


Gohar Ali Khesghi
Advocate High Court
Peshawar


FOR COMMANDANT FRP,
KPK, PESHAWAR.
29/4

ORDER

361
B
P-12
6
8


The following constables of FRP/NWFP Peshawar of the District noted against their names are hereby transferred to Regular Police with immediate effect.

S/NO	NAME	HOME DISTRICT
1.	✓ Constable Daud Shah No. 1518	Charsadda
2.	✓ Constable Muhammad Jamil No. 1647	-do-
3.	✓ Constable Irfanullah No. 1137	-do-
4.	✓ Constable Sharif Khan No. 1372	-do-
5.	✓ Constable Abdul Wahab No. 1426	-do-
6.	✓ Constable Arshad Ali No. 1071/1146	-do-
7.	✓ Constable Farooq Shah No. 464 - 50	-do-
8.	✓ Constable Marifat Shah No. 1145	-do-
9.	✓ Constable Fayaz Ahmad No. 944 / 888	-do-
10.	✓ Constable Khurshid No. 1886	-do-
11.	✓ Constable Muhammad Siraj No. 1993	-do-
12.	✓ Constable Fakhar-ud-Din No. 1033	-do-
13.	✓ Constable Shairyar No. 1140	-do-
14.	✓ Constable Sarbiland No. 1238	-do-
15.	✗ Constable Asfandiyar No. 1241 - 3367	-do-
16.	✓ Constable Inayatullah No. 1345	-do-
17.	✓ Constable Kashif Khan No. 1350	-do-
18.	✓ Constable Subhan Ali No. 1357	-do-
19.	✓ Constable Kabeer Khan No. 1358	-do-
20.	✓ Constable Arshad Ali No. 1325	-do-
21.	✓ Constable Ashiqullah No. 1273	-do-
NOWSHERA DISTRICT		
1.	✓ Constable Said Ali Shah No. 1565	Nowshera
2.	✓ Constable Habib-ur-Rehman No. 1646	-do-
3.	✗ Constable Azhar Ali No. 1666 - 842	-do-
4.	✓ Constable Syed Johar Ali No. 371	-do-
5.	✓ Constable Shahzad Khan No. 1535	-do-
6.	✓ Constable Nawaz Khan No. 1609	-do-
7.	✓ Constable Fazal Akbar No. 1723	-do-
8.	✓ Constable M. Kazim No. 1761	-do-
9.	✓ Constable Noor Islam No. 1785	-do-
10.	✓ Constable Wakeel Khan No. 910	-do-
11.	✓ Constable M. Saeed No. 128	-do-
12.	✓ Constable Habibullah No. 638	-do-
13.	✓ Constable Hamid Shah No. 1242	-do-
14.	✓ Constable M. Saeed No. 1313	-do-
15.	✓ Constable Sohail Ahmed No. 1323	-do-
16.	✓ Constable Asad Ali No. 1423	-do-
17.	✓ Constable Alta Muhammad No. 1438	-do-

Gohar Ali Kheshgi
Advocate High Court
Peshawar

PT

- 19. Constable M. Sarfaraz No. 1795 -do-
- 20. Constable Rab Nawaz No. 1795 -do-
- 21. Constable Anwar Zeb No. 1834 -do-
- 22. Constable Yousaf Ali No. 1913 -do-
- 23. Constable M. Fakir No. 801/348 -do-



 (ABDUL MAJEED KHAN MARWAT)
 PSP
 Addl: IGP/Headquarters,
 For Provincial Police Officer,
 NWFP, Peshawar.

No. 9259-62 /E-II, dated Peshawar the 03/4 /2010.

Copy of above is forwarded for information and necessary action to the:

1. Capital City Police Officer, Peshawar w/r to his Memo No. 1700/EC-I dated: 27.01.2010, No. 4421/EC-I dated: 11.03.2010 and 5927/EC-I, dated 01.04.2010.
2. Commandant FRP NWFP Peshawar w/r to his Memo No. 1395/EC-I dated: 18.02.2010 and 2035/EC dated: 19.03.2010.
3. DPOs Charsadda & Nowshera.

EC/OSI-

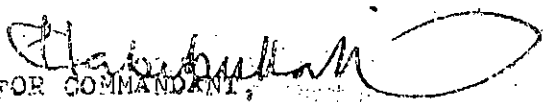

03/4/10

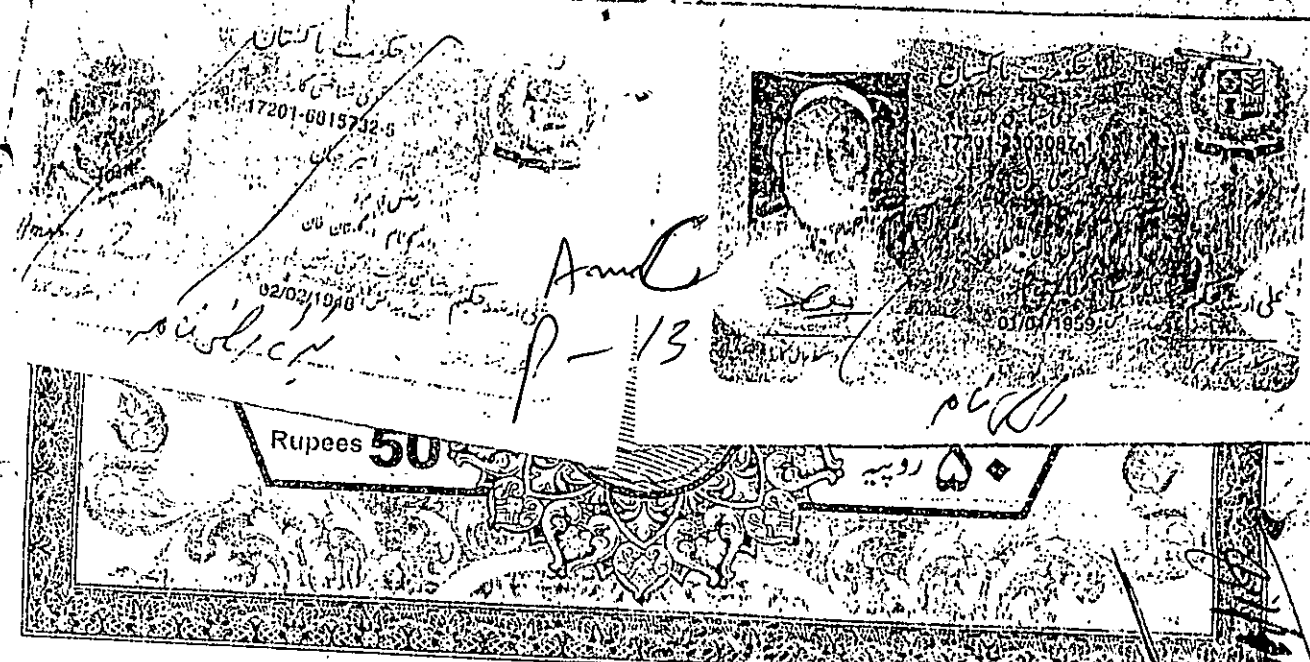
OFFICE OF THE COMMANDANT FRP/NWFP, PESHAWAR.

No. 1578-80 /OSI, Dated Peshawar the 3/4 /2010.

Copy sent to the:-

1. Acctt./FRP/Hqs:Peshawar.
2. S.B.C./FRP/Hqs:Peshawar.
3. F.M.C./FRP/Hqs:Peshawar.


 FOR COMMANDANT,
 FRONTIER RESERVE POLICE,
 NWFP, PESHAWAR.



Amir
13-P



امیر علی احمد

میرزا اولی احمد ولد گلخان سنہ ۱۳۰۲ ہجری قمریہ پیدائش ہوئی اور
میرزا اولی احمد ولد گلخان سنہ ۱۳۰۲ ہجری قمریہ پیدائش ہوئی اور
دونوں صاحبزادے کا تعلق ہے۔ صاحبزادے امیر علی احمد اور
گلخان و علی احمد اور علی احمد و علی احمد سنہ ۱۳۰۲ ہجری قمریہ
۱۳۰۲/۱۱/۱۱ ہجری قمریہ سنہ ۱۳۰۲ ہجری قمریہ پیدائش ہوئے۔
میرزا احمد و علی احمد و علی احمد و علی احمد اور دونوں فرزند
صاحبزادے امیر علی احمد صاحبزادے امیر علی احمد صاحبزادے
اور دونوں فرزند امیر علی احمد صاحبزادے امیر علی احمد صاحبزادے
دونوں فرزند امیر علی احمد صاحبزادے امیر علی احمد صاحبزادے

۱۳۰۲/۱۱/۱۱
۱۳۰۲/۱۱/۱۱

Amir
۱۳۰۲-۱۳۰۳-۱۳۰۴
۱۳۰۲-۱۳۰۳-۱۳۰۴

Amir
۱۳۰۲-۱۳۰۳-۱۳۰۴
۱۳۰۲-۱۳۰۳-۱۳۰۴

۱۳۰۲-۱۳۰۳-۱۳۰۴
۱۳۰۲-۱۳۰۳-۱۳۰۴

Gohar Ali Khesghi
Advocate High Court
Peshawar

D
P-14

بخدمت جناب DPO صاحب ضلع نوشہرہ

جناب عالی!

گزارش ہے کہ سائل 2007 میں ڈسٹرکٹ نوشہرہ میں بحیثیت کانسٹیبل بھرتی ہوا تھا۔ اسکے بعد ڈسٹرکٹ نوشہرہ سے FRP ہیڈ کوارٹر ٹرانسفر ہوا۔ FRP میں 3 سال پیریڈ گزار کر پھر 2010 میں FRP سے ڈسٹرکٹ نوشہرہ ٹرانسفر ہوا۔ اسی دوران سائل کے والدین کا چچاگان کے ساتھ جائیداد پر تنازعہ ہوا۔ جن کی وجہ سے سائل کو خطرہ لاحق تھا۔ کیونکہ چچاگان اور چچا زاد بھائی گان انتہائی سرکش اور سینہ زور تھے۔ اس وجہ سے سائل کو نوکری جاری رکھنا دشوار ہوا۔ اب سائل کے والدین کا چچاگان کے ساتھ راضی نامہ ہوا ہے۔ اور آپ ہمیں تصفیہ ہوا ہے۔ اور دونوں خاندان آپس میں راضی باز ہیں۔ بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ بحال کرنے کا حکم صادر فرما کر مشکور فرمادیں۔

عمین نوازش ہوگی۔

العارض
M. S. A.

آپ کا تابع فرمان محمد سعید بیٹ نمبر 128 نوشہرہ پائی پائی نوشہرہ


Gohar Ali Khesghi
Advocate High Court
Peshawar

E.

P-15

The dy inspector General of Police
Mardan range Mardan:

Subject: Departmental appeal for reinstatement
of the appellant in service

R/sir

The appellant submits as under:

1 - That appellant was appointed as constable in regular Distt. Police Distt. Nowshera in 2007 who successfully completed his training and successfully performed duty with the complete satisfaction of seniors.

2 - That after successfully completing training again handed over to FRP where appellant performed duty for 3 years with unblemish record.

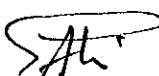
3 - That after 3 years service with FRP the appellant was transferred again to regular district police along with full records. as ref no. 2959-62/E-11 dt. Peshawar 3/4/2010 to DPO Nowshera. and then letter to DPO transfer letter SRC dated Peshawar 29/4/2010 copies attached.

4 - That after 30/4/2010 all of a sudden the appellant was suffered from personal grades over and landed property with his relatives which created threaten of dying consequences from

- opposite side. so in such constraint and bloody game it was very difficult for appellant to continue his service so due to that appellant was out of service upto now.
- 5- That Now the appellant has entered into a compromise and situation is better now. as reference to deed attached.
- 6- That appellant is a poor man of eating from hand to mouth very difficultly and passing through starvation. having old ailing parents approached D.P.O Nowshera for reinstatement and record showing reason for reference. who refused me to give documents and told that all the record is blown away with flood in 2010. as reference tells attached.
- 7- That appellant received no charge sheet, show cause or inquiry report and no impugned order of dismissal/removal or termination.

Therefore it is requested that the appellant may please be reinstated in service with ^{all} back benefits please.

Dated 7th May 2018.


Gohar Ali Kheshgi
Advocate High Court
Nowshera

M. S. K.

Appellant

Mohd Saeed s/o Akbar Ali
Village Kheshgi Pagan
Constable No. 128
Nowshera

قیمت 50 روپے	Gohar Ali Khashgi Advocate High Court Peshawar	21585
ایڈووکیٹ: Gohar Ali Khashgi		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: 10-7448		
رابطہ نمبر: 03459082942		

بعدالت جناب: سید محمد بیگ میر محمد علی خان خواجہ لعل

مخاطب: <u>ایڈووکیٹ</u>	دعویٰ: <u>میر محمد علی خان</u>
<u>ایڈووکیٹ</u> <u>میر محمد علی خان</u> <u>ضلع پشاور</u>	علت نمبر: <u>3</u>
	موضوع: <u>3</u>
	جرم: <u>3</u>
	تھانہ: <u>ڈیڑا بسکو</u>

بابت تحریر آنکہ

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

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

المقوم: کلا اللہ 2018

المقام: پشاور
Gohar Ali Khashgi
Advocate High Court
Peshawar

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

Gohar Ali Khashgi
Advocate High Court
Peshawar

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

Service Appeal No. 1101/2018

Mohammad Saeed s/o Akbar Ali r/o village Ksheshgi Payan, Tehsil & District Nowshera, Ex-Constable Regular Police, Nowshera, Bearing No. 128.

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary Home, Secretariate, Peshawar.

.....Respondents

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2.	Reply to the condonation application	4-5
3.	Affidavit	6

Dated 12-02-2019

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

Service Appeal No. 1101/2018

Mohammad Saeed s/o Akbar Ali r/o village Khesghi Paya, Tehsil and District Nowshera, Ex-Constable Regular Police, Nowshera, Bearing No. 128.

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1. District Police Officer, Nowshera.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through Secretary Home, Secretariate, Peshawar.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

1. Para to the extent of appointment/enlistment pertains to record needs no comments while rest of the para is not plausible because every Police Officer/Official is duty bound to perform his duty upto the entire satisfaction of his superiors. More so, unblemished service record does not exonerate a person from his future wrong deeds.
2. Plea of the appellant is not plausible because transfers are made on routine basis, however, the appellant alongwith other constables were transferred from FRP to District Nowshera which is evident from the annexed document as annexure "A" of the appeal, but the appellant did not report his arrival rather remained absent and reportedly went abroad. It is added that the non arrival of the

appellant is very much clear from his belt number because he mentioned the belt number allotted to him by the Frontier Reserve Police. Had he made his arrival in this District, he would have been allotted belt number from this District. This fact has been concealed by the appellant.

3. Incorrect. The story propounded by the appellant is false, baseless and cooked one, because as per secret probe, he had gone abroad and remained there for earning his livelihood. Therefore, in order to mislead the Honourable Tribunal the appellant tailored this concocted story which has no footing to stand on. Moreover, the appellant being member of disciplined force was under obligation to apply for proper leave/permission of the competent authority, but he did not bother to do so, rather, he might have made his departure from FRP but he did not make his arrival in District Police, Nowshera in order to keep both the establishments i.e FRP and District Police, Nowshera in the dark regarding his actual place of posting.
4. Incorrect. As discussed earlier, the so called compromise deed has been managed just to create a fake situation of enmity in order to win sympathies and justify his long absence. As per secret probe when the situation got worsened in Gulf, the appellant left for Pakistan.
5. Incorrect. As discussed earlier neither the appellant reported his arrival nor joined duty in this District, therefore, his removal/dismissal by this District Police Officer is completely out of question. Moreover, due to devastating flood of 2010, most of the record of this District got damaged/destroyed and the appellant now tries to take advantage of that situation by submitting this service appeal being devoid of merit.
6. Incorrect. The appellant in order to give legal cover to the limitation took these pleas of submitting applications to the competent authority as well as appellate authority, but it is worthwhile that the afore-referred applications are without any mentioning of dates or office noting.
7. That the appeal of the appellant is liable to be dismissed on the following grounds: -

GROUNDS

- A. Para is incorrect. As the appellant in the aforementioned facts para No. 05 being aggrieved of this issue that no proper order regarding his dismissal/removal from service was given to the appellant,

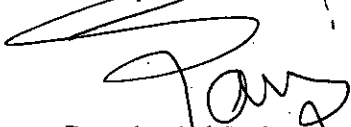
rather, was verbally told that he has already been removed from service. Therefore, plea of the appellant, that the impugned orders of the respondents are not speaking one, is not plausible.

- B. Para already explained needs no comments.
- C. As the appellant did not report his arrival in this district, hence, condemning him unheard and non fulfillment of codal formalities in terms of enquiry is immaterial.
- D. Incorrect. The entire story of the appellant is cooked one because he has staged the so called drama of enmity with his relatives in order to justify his prolong absence.
- E. Para explained earlier hence, no comments.
- F. The respondents also seek permission of this Honourable Tribunal to advance additional evidence at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost.


Government of Khyber Pakhtunkhwa,
Through Secretary Home, Secretariate,
Peshawar.

Respondent No.4


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Respondent No.3


Commandant Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.02


District Police Officer,
Nowshera.

Respondent No.01

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

Service Appeal No. 1101/2018

Mohammad Saeed s/o Akbar Ali r/o village Khesghi Payan, Tehsil & District Nowshera, Ex-Constable Regular Police, Nowshera, Bearing No. 128.

.....Applicant

V E R S U S

- 1. District Police Officer, Nowshera.
- 2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
- 3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 4. Government of Khyber Pakhtunkhwa, through Secretary Home, Secretariate, Peshawar.

.....Respondents

REPLY TO THE APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

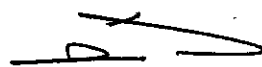
- 1. That the applicant has no cause of action to file the instant application.
- 2. That the application is barred by law.

Facts

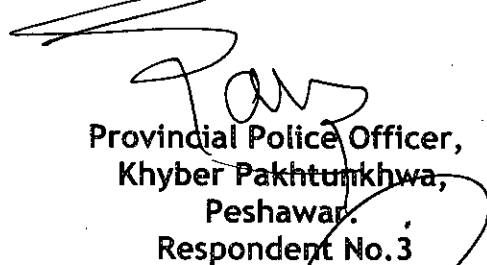
- 1. That the appeal filed by the appellant before this Honourable Tribunal may kindly be dismissed being a badly time barred.
- 2. Incorrect. The story propounded by the appellant is false, baseless and cooked one, because as per secret probe, he had gone abroad and remained there for earning his livelihood. Therefore, in order to mislead the Honourable Tribunal the appellant tailored this concocted story which has no footing to stand on. Moreover, the appellant being member of disciplined force was under obligation to apply for proper leave/permission of the competent authority, but he did not bother to do so, rather, he might have made his departure from FRP but he did not make his arrival in District Police, Nowshera in order to keep both the establishments i.e FRP and District Police, Nowshera in the dark regarding his actual place of posting.

- 3. Incorrect. As discussed earlier, the so called compromise deed has been managed just to create a fake situation of enmity in order to win sympathies and justify his long absence. As per secret probe when the situation got worsened in Gulf, the applicant left for Pakistan.
- 4. Incorrect. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
- 5. Para not related needs no comments.

It is therefore, most humbly prayed that on acceptance of above submissions, the instant application may very kindly be dismissed.



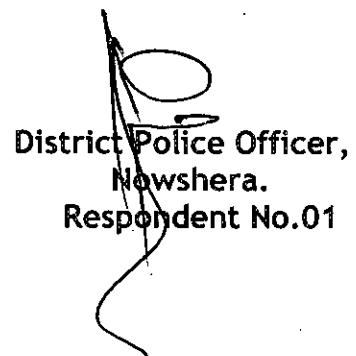
**Government of Khyber Pakhtunkhwa,
Through Secretary Home, Secretariate,
Peshawar.
Respondent No.4**



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.3**



**Commandant Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.02**



**District Police Officer,
Nowshera.
Respondent No.01**

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

Service Appeal No. 1101/2018

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.....Appellant


V E R S U S

1. District Police Officer, Nowshera.
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Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Govenment of Khyber Pakhtunkhwa, through Secretary Home,
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.....Respondents

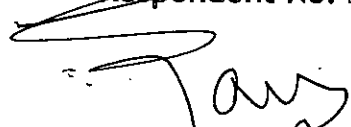
AFFIDAVIT

We the respondents do hereby solemnly affirm and declare on Oath
that the contents of reply to the appeal are true and correct to the best
of our knowledge and belief and nothing has been concealed from the
Honourable Tribunal.



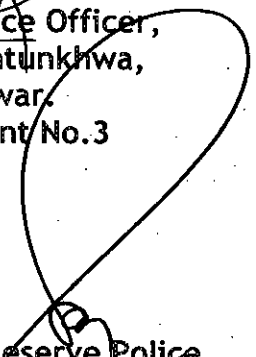
Govenment of Khyber Pakhtunkhwa,
Through Secretary Home, Secretirate,
Peshawar.

Respondent No.4



Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Respondent No.3



Commandant Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.02



District Police Officer,
Nowshera.

Respondent No.01

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The 3. Member,
Khyber. Prunkhdon khwal.
Peshwar.

Subject - Adjournment.

R/Sir. The appellat submits as under through
Council Groher Ali advocate peshwar.

- 1 - That today my appeal titled. M. Saeed vs. Police
has been fixed for Arguments. dt. 28th August 2019
- 2 - That today I am busy in H. Court in other Cases
and unable to argue the appeal. Fixed for
today.

Therefore kindly adjourn my appeal please.

Dated. 28/8/2019

Appellant
Through Counsel. 