

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1181/2018

Date of Institution ... 10.09.2018

Date of Decision ... 17.09.2021

Adil Raza, Ex-Constable No.469 District Nowshera S/o Said Afzal R/o Tehsil Pabbi
Village Nasir Kallay, Tehsil Pabbi District Nowshera

... (Appellant)

VERSUS

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

... (Respondents)

ROEEDA KHAN
Advocate

... For Appellant

JAVED ULLAH,
Assistant Advocate General

... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR

... **MEMBER (JUDICIAL)**
... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant while serving as constable, was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 25-09-2014. Feeling aggrieved, the appellant filed departmental appeal undated, which was rejected vide order dated 05-07-2018. The appellant filed revision petition undated, which was also rejected vide order dated 09-08-2018, hence the instant service appeal instituted on 10-09-2018 with prayers that the impugned orders dated

05-07-2018 and 09-08-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law were badly violated; that mother of the appellant was seriously ill and there was nobody at home to care for her, hence the appellant filed an application dated 12-08-2013 for grant of 365 days leave with the anticipation that such leave would be granted, but to his utter dismay, such leave was not granted and the appellant was declared absent and within few days, initiated ex-parte proceedings at the back of the appellant and was dismissed from service in absentia; that absence of the appellant was not willful, rather due to compelling circumstances, which were beyond control of the appellant; that leave without permission on medical grounds does not constitute gross misconduct entailing major penalty of dismissal from service. Reliance is place on 2008 SCMR 214; that while imposing major penalty of dismissal from service, no legal formalities were fulfilled; that principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise the penalty imposed without adopting the required mandatory procedure, resulting in manifest injustice. Reliance was placed on 2008 SCMR 1369; that no charge sheet/statement of allegations as well as showcause notice was served upon the appellant and the appellant was condemned unheard, thus violated rule-6 of Police Rules, 1975; that neither any inquiry to this effect was conducted, nor the appellant was associated with disciplinary proceedings; that the impugned order of dismissal was passed in violation of mandatory provision of law, hence no limitation runs for challenging such order. Reliance was placed on 2007 SCMR 834; that no chance of personal hearing was afforded to the appellant and where a civil servant is not afforded a chance of personal hearing before passing the

termination order, such order would be void ab-initio. Reliance was placed on 2003 PLC (CS) 365; that respondents had violated the principles of transparency and fair play and such illegality could not sustain in the eye of law. Reliance was placed on 2021 PLC (CS) 235.


03. Learned Assistant Advocate General appearing on behalf of respondents has contended that the appellant willfully and deliberately absented himself from lawful duty with effect from 09-08-2013 to 25-09-2013 without any leave or permission of the competent authority, on account of which he was issued showcause notice dated 04-09-2013; that the appellant was informed repeatedly to collect the same but despite repeated information, he did not collect the same, as he had no defense in his favor to respond to the showcause; that the departmental appeal preferred by the appellant was badly time barred, as he was dismissed from service vide order dated 25-09-2013 and he kept mum and in the year 2018, he preferred departmental appeal, which was badly time barred and when the departmental appeal is barred by time, the service appeal is not competent.

04. We have heard learned counsel for the parties and have perused the record. Placed on record is an application dated 12-08-2013 submitted by the appellant for grant of leave on the grounds of illness of his mother, but such leave was not granted, rather he was reported absent with effect from 09-08-2013 to 25-09-2013, and disciplinary action was initiated against the appellant and he was dismissed from service vide order dated 25-09-2013. It is well settled that regular inquiry is must before imposition of major penalty of dismissal from service, which however was not done in case of the appellant dismissed from service in a summary manner, without an opportunity of hearing being provided to him. The absence of the appellant was not so long and it appears that the same was due to compelling reason of illness of his mother. The appellant remain absent without obtaining any leave from the competent authority and such act of the appellant though constitute

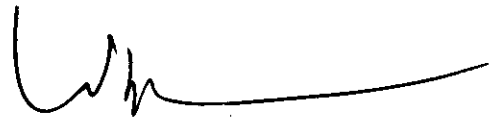
misconduct, however imposing upon him the major penalty of dismissal from service was too harsh. Keeping in view the fact of circumstances of the case, the appellant deserves a lenient view in the imposition of penalty upon him.

05. In view of the foregoing discussion, the instant appeal is partially accepted and the penalty of dismissal from service awarded to the appellant is converted into stoppage of one increment. The intervening period of his absence from duty is treated as extraordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



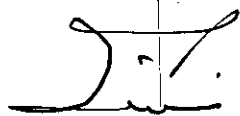
(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER
17.09.2021

Ms. Roeeda Khan, Advocate for the appellant present. Mr. Fayaz, Head Constable alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is partially accepted and the penalty of dismissal from service awarded to the appellant is converted into stoppage of one increment. The intervening period of his absence from duty is treated as extraordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



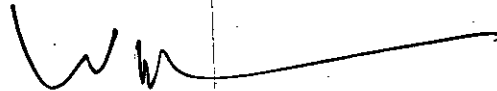
(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Service Appeal No. 1181/2018

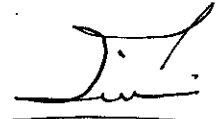
14.09.2021

Appellant alongwith her counsel MS. Roeda Khan, Advocate, present. Mr. Fayaz, Head Constable alongwith Mr. Javed. Ullah, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments before the D.B on 17.09.2021.




(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

03.12.2020

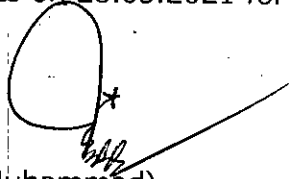
Due to non-availability of D.B, the case is adjourned to 25.02.2021 for the same as before.


Reader

25.02.2021

Junior to counsel for the appellant and Addl. AG for the respondents present.

Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not available. To come up for arguments on 28.05.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



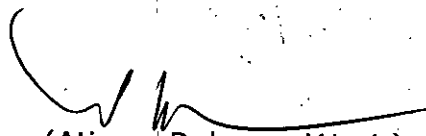
Chairman

28.05.2021

Nemo for parties.

Muhammad Adeel Butt learned Additional Advocate General present.

Both the parties be put on notice for 14.09.2021 for hearing before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

Noted
11
APPEAL COURT
4/5

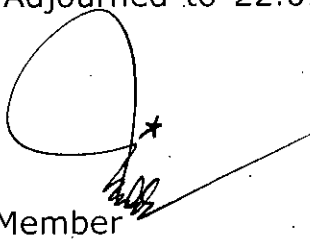
23.06.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Fayaz H.C for the respondents present.

Former states that in the instant matter the impugned order was passed with retrospective effect, therefore, it would be appropriate to post it for hearing after the date when similar matters are fixed for hearing before larger Bench of this Tribunal. The suggestion seems reasonable.

Adjourned to 22.09.2020 for arguments before

D.B.

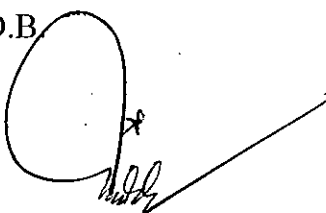

Member

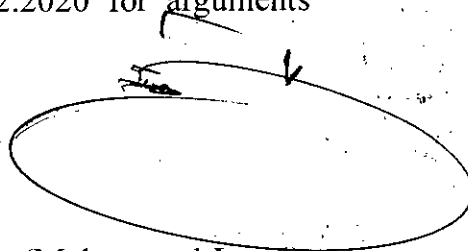

Chairman

22.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fayaz, HC for respondents present.

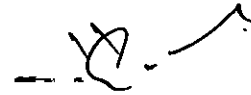
A cursory look to the impugned order reveals that it has been passed while giving it retrospective effect vide order dated 25.09.2013. Since the question of retrospectivity of an order is subjudice before the Larger Bench of this Tribunal, therefore, the issue with regard to referred to the matter till then the appeal is adjourned to 03.12.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

27.11.2019 Appellant in person present. Addl: AG alongwith Mr. Fayaz, H.C for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 30.01.2020 before D.B.


Member


Member

30.01.2020 None for the appellant present. Addl: AG for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 31.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

131.03.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B.


Reader

05.07.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant seeks adjournment on the ground that his counsel is about to depart for Saudi Arabia for Hajj and also submitted application to this effect. Adjourn. To come up for arguments on 13.09.2019 before D.B.



Member



Member

13.09.2019

Ikram Ullah Advocate junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 27.11.2019 before D.B.



Member




Member


1181/18

04.2.2019

Counsel for the appellant has submitted an application for permission to deposit the security and process fee as ordered on 12.12.2018.


Application is allowed and appellant is directed to make the requisite deposit within one week from today, where-after notices be sent to respondents for submission of written reply/comments on 27.3.2019 before S.B.


Appellant Deposited
Security & Process Fee


Chairman

27.03.2019

Appellant in person present. Written reply not submitted. Wisal Inspector representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 26.04 .2019 before S.B.


Member

26.04.2019

Appellant in person and Addl. AG with Fayaz Khan, H.C for the respondents present.

Reply on behalf of respondents has been submitted which is placed on file. To come up for arguments on 05.07.2019 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.


Chairman

12.12.2018

Counsel for the appellant Adil Raza present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable, he was imposed major penalty of dismissal from service vide order dated 25.09.2013 by the competent authority on the allegation of 40 days absence from duty. It was further contended that the appellant filed departmental appeal (undated) which was decided on 05.07.2018 thereafter, the appellant filed revision petition (undated) which was decided on 09.08.2018 hence, the present service appeal on 10.09.2018. Learned counsel for the appellant further contended that neither proper inquiry was conducted nor charge sheet, statement of allegation was served upon the appellant. It was further contended that neither any absence notice was issued to the appellant at his home address nor any advertisement regarding absence of the appellant was published in any newspaper. It was further contended that the appellant was condemned unheard therefore, the impugned order is illegal and liable to be set-aside. It was further contended that the absence period was about 40 days therefore, the penalty awarded to the appellant was very harsh. It was further contended that through there is some delay in filing of departmental appeal but the impugned order has been passed retrospectively i.e from the date of absence therefore, the same is void and no limitation run against the void order therefore, the appellant is entitle for reinstatement in service.

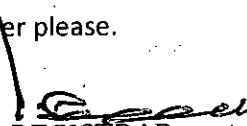

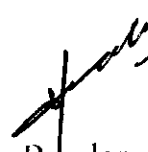
The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1181/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/09/2018	The appeal of Mr. Adil Raza resubmitted today by Mr. Javed Ali Ghani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	26-9-18	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u>  CHAIRMAN
	25.10.2018	Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.  Reader

The appeal of Mr. Adil Raza Ex-Constable no. 469 District Nowshera received today i.e. on 10.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

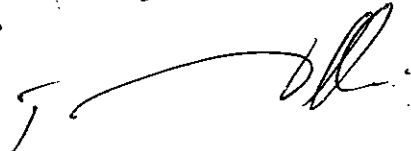
- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1828 /S.T,

Dt. 10/9 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Ali Ghani Adv. Pesh.

Sir Resubmitted after compliance
579118 objection no 3 it is already stated
that - no such like orders were issued
not available be fixed before the
Tribunal for hearing


BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1181 /2018

Adil Raza.....Appellant

VERSUS

Provincial Police Officer
Govt of KPK and others.....Respondents

I N D E X

S. No.	Description of Documents	Annex	Pages
1.	Grounds of service appeal & affidavit		1-6
2.	Application for condonation of delay		7-9
3.	Addresses of Parties		10
4.	Copy of order dated 25/09/2013	A	11
5.	Copy of order dated 09/08/2018	B	12
6.	Copy of order dated 25/09/2013 and other documents		13-17
7.	Wakalat Nama		18

Javed
Appellant

Through

Date: 08/09/2018

Javed Ali Ghani
Advocate High Court

1

(1)

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1181 /2018

Adil Raza, Ex-Constable No 469 District Nowshera
S/o Said Afzal

R/o Tehsil Pabbi Village Nasir Kallay,

Tehsil Pabbi District Nowshera.....**Appellant**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1423

Dated 10-9-2018

V E R S U S

1. Provincial Police Officer/Inspector General of Police, KPK,
Pehsawar

2. District Police Officer Nowshera

3. Deputy Inspector General of Police Mardan Region.

.....**RESPONDENTS**

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER
DATED 05/07/2018 & 09/08/2018 RECEIVED ON
06/09/2018, WHEREBY THE APPEAL OF THE
APPELLANT WAS DISMISSED BY RESPONDENT NO 1,
MAINTAINING THE ORDER OF RESPONDENT NO 2,
WHEREBY APPELLANT HAS BEEN AWARDED PENALTY

OF REMOVAL FROM SERVICE.

Registrar

10/9/18

Re-submitted to -day
and filed.

Registrar

25/9/18

2

Prayer in Appeal:

On acceptance of this service appeal, the impugned order dated 05/07/2018 & 09/08/2018, passed by respondent No. 2 may kindly be set aside and the appellant may please be reinstated in service with all back benefits.

Respectfully Sheweth:

Brief facts giving rise to the appeal are as under:

1. That the appellant got inducted in Police Department in 2010 and regularly performed his duties for more than 3 years without any adverse remarks, complaint to the entire satisfaction of High-ups.
2. That the respondents without any notice, show cause and explanation, terminated the service of the appellant vide order dated 25/09/2013 vide OB No 1399 and dismissed the appellant from the service.
3. That the appellant approach the respondents in appeal and mercy petition, but the same was also dismissed by the respondents vide order dated 05/07/2018 & 09/08/2018, which were received by the appellant noted above. (Copies attached as annexure "A" & "B").
4. That feeling aggrieved from above referred order of respondent No. 2, the appellant assails these order before

this Honourable Tribunal, inter alia, on the following grounds:

GROUND S:

- A. That the orders dated 05/07/2018 & 09/08/2018 of respondents No. 1 & 3, is against law, facts and record of the case, hence liable to be set aside.
- B. That the impugned orders dated 05/07/2018 & 09/08/2018 of respondents No. 1 & 3 was issued due to mis-reading and non-reading of personal file of the appellant.
- C. That the respondents issued the said order without giving opportunity of personal hearing to the appellant. It is well settled principle of law that no one can be condemn unheard, hence the impugned order is not maintainable in the eyes of law.
- D. That the respondent No 2 while awarding major punishment, no show cause notice, personal hearing and no opportunity of defense has been given to the appellant.
- E. That the learned respondents No 1 & 3 dismissed the appeal of the appellant mere on technical grounds while factually the appellant has substantiate his case against the respondents.

- F. That the major penalty has been imposed upon the appellant by respondent No. 2 by removing from service illegally without holding regular inquiry, which was pre-requisite for imposing such penalty, so, non-holding of regular inquiry is against law, procedure and canons of principles of administration of justice.
- G. That impugned order dated 25/09/2013 passed by respondents No. 2 in a slipshod manner, and is based on assumptions & presumptions, arbitrary and is not sustainable in the eyes of law.
- H. That order passed by respondents is not speaking order, passed without assigning any cogent reasons, so, it cannot be termed by no stretch of imagination to be a speaking order.
- I. That impugned order is arbitrary, capricious and not maintainable and is the result of misreading and non-reading evidence, hence liable to be set aside.
- J. That the respondent No 2 while awarding major punishment has not ensured the personal attendance and service nor carried out the procedure according to law and rules and dismissed the appellant without keeping code and mandatory procedural formalities in the case of appellant.

- K. That appellant belongs to a poor family, low-scale employee, jobless since his removal from service and is sole bread-earner of his entire family. He is not engaged in any profitable activity for earning butter & bread, so, his removal from service, in such circumstances, is against the rights of fundamental enshrined in Constitution of Islamic Republic of Pakistan, 1973.

- L. That any other ground may be adduced during the course of arguments, with the kind permission of this Honourable Tribunal.


It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned orders 05/07/2018 & 09/08/2018 of respondents No. 1 & 3 may kindly be set aside and the appellant may please be reinstated by declaring order dated 25/09/2013 illegal, against law and facts and the with all back benefits

AND

Any other relief which may be deemed proper in circumstances of the case may also be granted in favour of the appellant.


Appellant

Through


Javed Ali Ghani
Advocate High Court

Date: 08/09/2018

6

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2018

Adil Raza.....**Appellant**

VERSUS

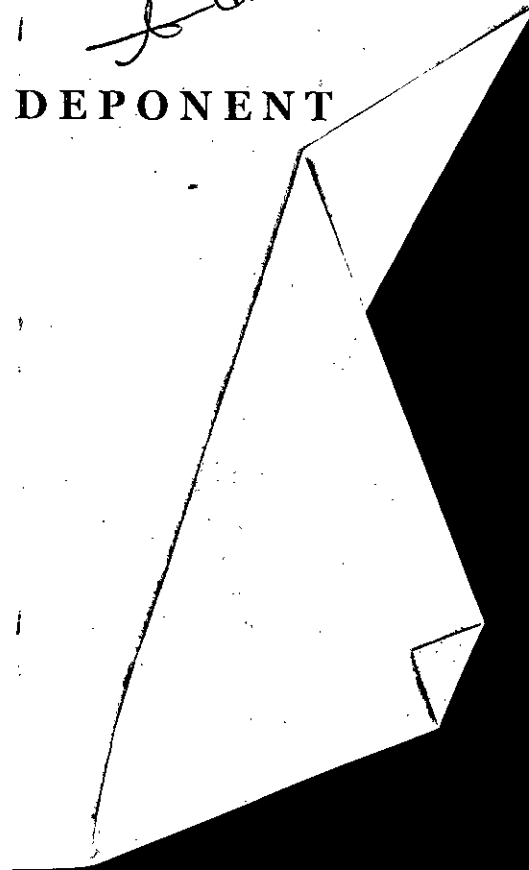
Provincial Police Officer
Govt of KPK and others.....**Respondents**

AFFIDAVIT

I, Adil Raza, Ex-Constable No 469 District Nowshera S/o Said Afzal R/o Tehsil Pabbi Village Nasir Kallay, Tehsil Pabbi District Nowshera, do hereby solemnly affirm and declare that 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.

Adil

DEPONENT



7

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

CM No. _____/2018
in
Service Appeal No. _____/2018

Adil Raza.....**Appellant**

VERSUS

Provincial Police Officer
Govt of KPK and others.....**Respondents**

APPLICATION FOR CONDONATION OF DELAY

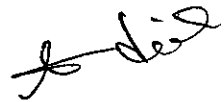
Respectfully Sheweth:-

1. That the above captioned Service Appeal has been filed by the petitioner and no date of hearing has yet been fixed.
2. That the facts and grounds of main appeal may kindly be considered as integral part of this application.
3. That the instant case file was sent to the Worthy Inspector General Of Police and due to non availability of file, the applicant/appellant could not received and procured the documents from the office of the Regional Police Office/DIG Mardan that is why the appeal was delayed, and when receive the instant appeal has been filed.
4. That the instant delay was not intentional, but due to reason mentioned above and was not in the control of the

8

applicant/appellant, hence needs consideration of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application the delay, if any, in filing the above noted appeal, the delay may kindly be condoned in the interest of justice in the instant petition.



Appellant

Through



Javed Ali Ghani
Advocate High Court.

Date: 08/09/2018

97

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

CM No. _____/2018
in
Service Appeal No. _____/2018

Adil Raza.....**Appellant**

VERSUS

Provincial Police Officer
Govt of KPK and others.....**Respondents**

AFFIDAVIT

I, Adil Raza, Ex-Constable No 469 District Nowshera S/o Said Afzal R/o Tehsil Pabbi Village Nasir Kallay, Tehsil Pabbi District Nowshera, do hereby solemnly affirm and declare that 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.

Adil

DEPONENT

10

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2018

Adil Raza.....Appellant

V E R S U S

Provincial Police Officer
Govt of KPK and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Adil Raza, Ex-Constable No 469 District Nowshera
S/o Said Afzal
R/o Tehsil Pabbi Village Nasir Kallay,
Tehsil Pabbi District Nowshera

RESPONDENTS

1. Provincial Police Officer/Inspector General of Police, KPK,
Pehsawar
2. District Police Officer Nowshera
3. Deputy Inspector General of Police Mardan Region.

Through


Appellant


Javed Ali Ghani
Advocate High Court

Date: 08/09/2018

To: - The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

Annex "A"

(12)

Subject: - MERCY PETITION FOR REINSTATEMENT IN SERVICE.

Respected Sir,

With due respect I beg to submit that I have been awarded a Major punishment of Dismissal from service by the then District Police Officer Nowshera, vide OB No.1399 dated 25-09-2013 for the allegations of absence from duty from 09-08-2013 to 05-09-2013, against which I have preferred an Appeal before the DIG Mardan which was rejected vide his officer Order No.4286/ES, dated 05-07-2018, photocopy attached for ready reference. Therefore, I am going to submit the present Mercy Petition for re-instatement in service on the following grounds/justifications:-

1. Reportedly I was issued show cause notice, but in fact I have not received the show cause notice as such no reply could be submitted at this stage.
2. Neither any enquiry was conducted nor I was given any opportunity of personal hearing and the order of dismissal was issued straight away.
3. I have served the department for 3 years and 1 month.
4. I am a trained soldier.
5. I had performed my duties up to the entire satisfaction of my superiors and there was no complaint of any kind against me during my whole service.
6. There is no bad entry/punishment at my discredit.
8. I have been put to great financial loss and my service career has also been damaged.
9. I am jobless and am the only dependant of a large family due to which I am facing financial hardships and tension.
10. I was unaware about the submission of Appeal within stipulated period, ^{which} for I seek apology.

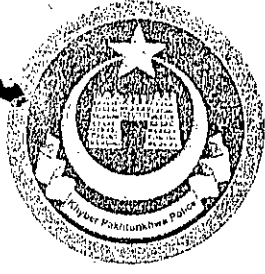
Therefore, I approach your good self to kindly accept my Mercy Petition and request that the order of punishment of dismissal from service awarded by the DPO Nowshera vide OB No.1399 dated 25-09-2013 may kindly be withdrawn:

I shall be highly obliged and will pray for your long life and prosperity.

Yours Obediently,

Adil Raza

(Adil Raza)
Ex-Constable No.469
S/o Said Afzal
R/o Kandi Nasir



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

Annex B²

12

No. S/ 3251 /18, dated Peshawar the 29/08/2018.

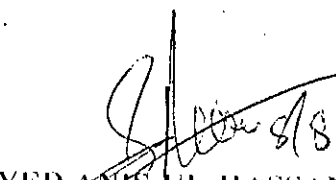
To : The Regional Police Officer,
Mardan Region, Mardan.

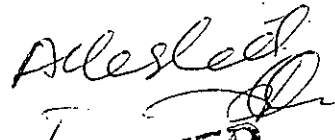
Subject: APPEAL (EX-FC ADIL RAZA NO. 469)

Memo :

Ex-Constable Adil Raza No. 469 of District Police Nowshera had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 05 years.

The applicant may please be informed accordingly.


(SYED ANIS-UL-HASSAN),
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.


ATTESTED

Annex 'C'

13

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Adil Raza No. 469** of Nowshera District Police against the order of the District Police Officer, Nowshera whereby he was awarded Major Punishment of Dismissal from service, vide his office OB No. 1399 dated 25.09.2013.

Brief facts of the case are that he while posted as Guard Bacha Khan Markaz, Peshawar willfully absented himself from his lawful duty from 09.08.2013 to 25.09.2013. He was issued Show Cause Notice and was time & again informed to collect his Show Cause Notice but he did not bother to do so. Reportedly the said Ex-Constable was gone abroad. Now he returned back and to cover the time of limitation he took the plea of being un-aware about the submission of appeal within stipulated period.

He was called in orderly room held in this office on **04.07.2018** and heard in person. The appellant did not produce any cogent reason for late submission of his departmental appeal i.e 04 years, 08 months & 10 days. Therefore, I find no grounds to intervene the order passed by District Police Officer, Nowshera. **Appeal is rejected being time barred.**

ORDER ANNOUNCED.

AK
(AKHTAR HAYAT KHAN)PSP
Regional Police Officer,
Mardan.

No. 4286 /ES, Dated Mardan the 5-7- /2018.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 3205/PA dated 11.06.2018. The Service Record is returned herewith.

(*****)

Attested
J. B.
ATTESTED

KX

14

To: -

The Deputy Inspector General of Police,
Mardan Region-I Mardan.

Subject: -

APPEAL FOR REINSTATEMENT IN SERVICE

Respected Sir,

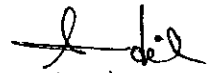
With due respect I beg to submit that I have been awarded a Major punishment of Dismissal from service by the then District Police Officer Nowshera, vide OB No.1399 dated 25-09-2013 for the allegations of absence from duty from 09-08-2013 to 05-09-2013, against which I am going to submit the present Appeal on the following grounds/justifications:-

1. Reportedly I was issued show cause notice, but in fact I have not received the show cause notice as such no reply could be submitted at this stage.
2. Neither any enquiry was conducted nor I was given any opportunity of personal hearing and the order of dismissal was issued straight away.
3. I have served the department for 3 years and 1 month.
4. I am a trained soldier.
5. I had performed my duties up to the entire satisfaction of my superiors and there was no complaint of any kind against me during my whole service.
6. There is no bad entry/punishment at my discredit.
8. I have been put to great financial loss and my service career has also been damaged.
9. I am jobless and am the only dependant of a large family due to which I am facing financial hardships and tension.
10. I was unaware about the submission of Appeal within stipulated period, for I seek apology.

Therefore, I approach your good self to kindly accept my Appeal, the order of punishment of dismissal from service awarded by the DPO Nowshera vide OB No.1399 dated 25-09-2013 may kindly be withdrawn.

I shall be highly obliged and will pray for your long life and prosperity.

Yours Obediently,



(Adil Raza)
Ex-Constable No.469
S/o Said Afzal
R/o Kandi Nasir
Mob No.0333-5339192

Attested
ATTESTED

Accounts Office Nowshera
 PAYROLL REGISTER
 For the month of July, 2013

15

Page :
 Date :

DDO : NR4218 NR4010 Law and Order Nowshera
 Position: Non Gazetted

Payroll Section : 001 section 1

00552772 MUHAMMAD ADIL P A Y M E N T S		Prev Pers No:	Desig: CONSTABLE	(00000394)	Grade: 05 NTN: LOAN/FUND	Buckle No.: 358 PRINCIPAL	Gazetted/Non-G REPAID	BA
AMOUNT	DEDUCTIONS	AMOUNT						
0001 Basic Pay	5,920.00	3005 GPF Subscription - Rs		465.00-				
1000 House Rent Allowance	1,002.00	3511 Adml Group Insurance		7.00-				
1210 Convey Allowance 20	1,840.00	3604 Group Insurance		67.00-				
1300 Medical Allowance	1,000.00							
1547 Ration Allowance	681.00							
1567 Washing Allowance	100.00							
1646 Constabulary R Allow	300.00							
1901 Risk Allowance (Poli	5,010.00							
1902 Special Incentive Al	775.00							
1970 Adhoc Relief Allow 2	501.00							
2118 Adhoc Relief Allow (1,184.00							
2148 15% Adhoc Relief All	888.00							
PAYMENTS	19,201.00	DEDUCTIONS		539.00-		NET PAY	18,662.00	01.07.2013
Branch Code:		Payment through DDO					Acct. No:	

00552773 ADIL RAZA P A Y M E N T S		Prev Pers No:	Desig: CONSTABLE	(00000394)	Grade: 05 NTN: LOAN/FUND	Buckle No.: 469 PRINCIPAL	Gazetted/Non-G REPAID	DAI
AMOUNT	DEDUCTIONS	AMOUNT						
0001 Basic Pay	5,920.00	3005 GPF Subscription - Rs		465.00-				
1000 House Rent Allowance	1,002.00	3511 Adml Group Insurance		7.00-				
1210 Convey Allowance 20	1,840.00	3604 Group Insurance		67.00-				
1300 Medical Allowance	1,000.00							
1547 Ration Allowance	681.00							
1567 Washing Allowance	100.00							
1646 Constabulary R Allow	300.00							
1901 Risk Allowance (Poli	5,010.00							
1902 Special Incentive Al	775.00							
1970 Adhoc Relief Allow 2	501.00							
2118 Adhoc Relief Allow (1,184.00							
2148 15% Adhoc Relief All	888.00							
PAYMENTS	19,201.00	DEDUCTIONS		539.00-		NET PAY	18,662.00	01.07.2013
Branch Code:		Payment through DDO					Acct. No:	

00552776 MUHAMMAD FAISAL P A Y M E N T S		Prev Pers No:	Desig: CONSTABLE	(00000394)	Grade: 05 NTN: LOAN/FUND	Buckle No.: 383 PRINCIPAL	Gazetted/Non-Ga REPAID	DAI
AMOUNT	DEDUCTIONS	AMOUNT						
0001 Basic Pay	5,920.00	3005 GPF Subscription - Rs		465.00-				
1000 House Rent Allowance	1,002.00	3511 Adml Group Insurance		7.00-				
1210 Convey Allowance 20	1,840.00	3604 Group Insurance		67.00-				
1300 Medical Allowance	1,000.00							
1547 Ration Allowance	681.00							
1567 Washing Allowance	100.00							
1646 Constabulary R Allow	300.00							
1901 Risk Allowance (Poli	5,010.00							
1902 Special Incentive Al	775.00							
1970 Adhoc Relief Allow 2	501.00							
2118 Adhoc Relief Allow (1,184.00							
2148 15% Adhoc Relief All	888.00							

Attested
 ATTESTED

ABSORPTION ORDER

In pursuance of the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar approval issued vide his office Memo No.17671/E-II, dated 15-07-2010.

SPO Adil Raza s/o Said Afzal r/o Kandi Nasir Police Station Pabbi District Nowshera, being found fit and suitable is hereby absorbed as Constable time scale on three year probation in the B.P.S No.5 W.E From 01-09-2010 and allotted Constabulary No.469.

His particulars are as under:-

Height 5 Feet 10 ¼ inch


Chest 35 ½ X 37

Date of Birth 03-04-1989

Age on absorption year 21 Months - Day 28

Qualification F.A

His services are purely on temporary basis and would be liable to terminate at any time without any notice.


District Police Officer,
Nowshera

OB No. 888

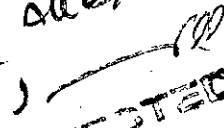
Dated 27.8. /2010

OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA

No 361-64 /OHC, Dated Nowshera the 2-09- /2010.

Copy to the:-

- 1 District Accounts Officer, Nowshera.
- 2 Accountant.
- 3 E.C NSR.
- ✓ 4 F.M.C., NSR.

Attested

ATTESTED

489 ✓

17

ORDER

Constable Adil Raza No. 469 while posted to the Guard at Bacha Khan Markaz willfully and deliberately absented himself from duty with effect from 09.08.2013 to 25.09.2013 without any leave or permission of the competent authority. On account of which he was issued Show Cause Notice vide this office No. 441/PA, dated 04.09.2013. He was time and again informed to collect the Show Cause Notices but despite repeated information, he did not bother to do so.

Being part of discipline force, he was bound to obey the lawful order of the seniors. Furthermore, he is still absent. His continuous absence clearly indicates that he is no more interest in his job.

Therefore, in exercise of the powers vested to me under the NWFP Police Rules, 1975, Constable Adil Raza No.469 is hereby awarded Major punishment of dismissal from service with effect from 09.8.2013.

OB No. 1399

Dated 25.9/2013.

[Signature]
District Police Officer,
Nowshera. *N*




No. 4665-10/PA, dated Nowshera, the 25.9/2013.

Copy for information and necessary action to the:-

1. Pay Officer.
2. E.C.
3. OHC.
4. FMC.

Adil Raza
[Signature]
ATTESTED

48390

قیمت 50 روپے	  
ایڈوکیٹ:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر:	
رابطہ نمبر:	

بعدالت جناب: سر سید رفیق ضیاء الحق

منجانب: امجد علی	دعویٰ: سوسائٹی
عادل رضوان	علت نمبر: 10
بنام	مورخہ:
مروغیہ لعل علی	جرم:
آصفیہ زون	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام۔ جسے عدلیہ کا وکیل علی غنی اللہ اکبر اور اللہ صاحب 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 بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظرتانی 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 ذاختہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:-
 PESHAWAR BAR ASSOCIATION
 KHV36P - 10-19-2018

العبد العبد واہ شد العبد
 مقام کے لیے منظور ہے۔

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

Handwritten signature and notes at the bottom of the page.

بعد اللہ جہاں - سر دس نہیں ہونے کہ نہ
عادل رہنا جمع آئی ہوگی وغیر

دیوانہ کے نام پر جو کہ منسٹیور کی رقم ہے آج
Regulant

جنہی کے نام پر منسٹیور کے لئے

کے منسٹیور کے لئے منسٹیور ہونا کہ اللہ صحت ہے اور نیکو ہے اور
77. 11. 1941

نہ منسٹیور کے لئے منسٹیور کی رقم جمع شدہ ہے

نہ منسٹیور کے لئے منسٹیور کی رقم جمع نہ ہونا چاہیے
Regulant منسٹیور ہونا کہ اللہ صحت ہے اور نیکو ہے اور

لے لے لے لے لے لے لے لے لے لے لے لے

منسٹیور کی رقم جمع نہ ہونا چاہیے

فائدہ

منسٹیور کی رقم جمع نہ ہونا چاہیے

4/12

منسٹیور کی رقم جمع نہ ہونا چاہیے

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1181/2018

Adil Raza, Ex-Constable No. 469 District Nowshera
s/o Tehsil Pabbi village Nasir Kallay,
Tehsil Pabbi, District Nowshera.

.....Appellant

V E R S U S

1. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. District Police Officer, Nowshera.
3. Deputy Inspector General of Police, Mardan Region.

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply to the appeal	-	1-3
2.	Show Cause Notice	A	4
3.	Reply to the Condonation application	-	5-6
by	Affidavit	-	7

(1)

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

Service Appeal No. 1181/2018

Adil Raza, Ex-Constable No. 469 District Nowshera
s/o Tehsil Pabbi village Nasir Kallay,
Tehsil Pabbi, District Nowshera.

.....Appellant

V E R S U S

1. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. District Police Officer, Nowshera.
3. Deputy Inspector General of Police, Mardan Region.

.....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 induction in Police Department pertains to record needs no comments, while rest of the para is not plausible because every Police Officer/Official is under obligation to discharge his duties to the entire satisfaction of his high-ups, because, in this Department no room lies for lethargy.
2. Incorrect. The appellant while posted to the guard at Bacha Khan Markaz willfully and deliberately absented himself from his lawful duty with effect from 09-08-2013 to 25-09-2013 without any leave or permission of the competent authority, on account of which he was issued show cause notice vide No. 441/PA, dated 04-09-2013. The appellant was informed time and again to collect the same but despite repeated information he did not collect the same because he had no defense to produce in his favour. (Copy of show cause notice is attached as annexure "A").

3. Correct to the extent that the appellant availed departmental remedies, however, the appeal preferred by the appellant was badly time barred and he had also been provided right of personal hearing through Orderly Room vide dated 04-07-2018 but he failed to produce even a single iota of evidence to substantiate his stance.
4. That the appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -


GROUNDS

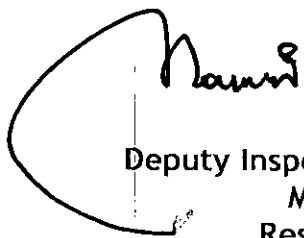
- A. Para is incorrect. As the appellant had been awarded penalty of dismissal vide order dated 25-09-2013 and he kept mum while in the year 2018 after all most laps of 04 year 08 months and 10 days he preferred departmental appeal which was badly time barred and he could not substantiate the stance regarding filing departmental appeal at a belated stage.
- B. Incorrect. Stance of the appellant is not plausible rather a tailored one because he availed departmental remedy at a very belated stage which also depicts his disinterest in government service.
- C. Para to the extent of not granting opportunity of personal hearing is completely ill founded because detailed perusal of annexure "C" attached by the appellant is worth perusal which is enough for the rebuttal of stance taken by the appellant.
- D. Incorrect. As discussed earlier, the appellant was issued show cause notice and was summoned/informed time and again to collect the same but he did not bother to do so. Because he had no justification to advance for covering his absence. Therefore, the appellant concocted the story which is not plausible.
- E. Incorrect. The appellant was awarded right of personal hearing by the appellate authority but he failed to justify his absence as well as the time limitation. More so, the perusal of his departmental and mercy petition is worth perusal which is completely silent regarding the cause of his absence.
- F. Incorrect. As discussed earlier, the appellant while posted to the guard at Bacha Khan Markaz willfully and deliberately absented himself from his lawful duty with effect from 09-08-2013 to 25-09-2013 without any leave or permission of the competent authority, on account of which he was issued show cause notice vide No.

441/PA, dated 04-09-2013. The appellant was informed time and again to collect the same but despite repeated information he did not collect the same because he had no defense to produce in his favour. Therefore, plea taken by the appellant is devoid of merit.

- G. Para already explained needs no comments.
- H. Incorrect. Order passed by the competent authority is speaking one which has been passed after taken into consideration the entire material available on record. Therefore, stance taken by the appellant is unjustifiable rather a tailored one just to cover his willful absence.
- I. Para already explained needs no comments.
- J. Para explained earlier hence, no comments.
- K. Para already explained hence, no comments.
- L. 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.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.1


Deputy Inspector General of Police,
Mardan Region
Respondent No.03


District Police Officer,
Nowshera.
Respondent No.02


(4)
CA

SHOW CAUSE NOTICE

Whereas you **Constable Adil Raza No. 469** while posted at Guard Bacha Khan Markaz, Peshawar willfully and deliberately absented yourself from lawful duty w.e.from 09.08.2013 without any leave or prior permission of the competent authorities which amounts to grave misconduct and liable you for Minor/Major punishment as defined in the NWFP, Police Rules, 1975.

Now, therefore, you **Constable Adil Raza No. 469** upon under NWFP, Police Rules, 1975 to show cause within **07 days** of this notice as to why one or more penalties including Major penalty of dismissal from service should not be imposed upon you for this gross misconduct.


Take note that if no reply is received within the stipulated time, it will be presumed that you have nothing to say in your defense and the case shall be decided ex-parte without any further notice.


District Police Officer,
Nowshera. H

No. 6761 /PA,
Dated 4.9/2013.

No. 300-082
25.9.13

Dismissed from service.

 25/9

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

C.M No. ____/2018 in

Service Appeal No. 1181/2018

Adil Raza, Ex-Constable No. 469 District Nowshera
s/o Tehsil Pabbi village Nasir Kallay,
Tehsil Pabbi, District Nowshera.

.....Application

V E R S U S

1. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. District Police Officer, Nowshera.
3. Deputy Inspector General of Police, Mardan Region.

.....Respondents

REPLY TO THE APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth: -


PRELIMINARY OBJECTIONS

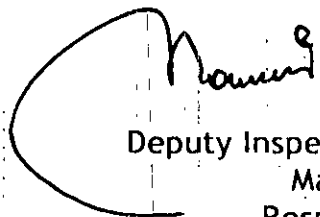
1. That the applicant has no cause of action to file the instant application.
2. That the application is barred by law.


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 same cannot be considered as integral part of the petition.
3. Incorrect. Plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught.
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.

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


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.1


Deputy Inspector General of Police,
Mardan Region
Respondent No.03


District Police Officer,
Nowshera.
Respondent No.02

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

Service Appeal No. 1181/2018

Adil Raza, Ex-Constable No. 469 District Nowshera
s/o Tehsil Pabbi village Nasir Kallay,
Tehsil Pabbi, District Nowshera.

.....Appellant

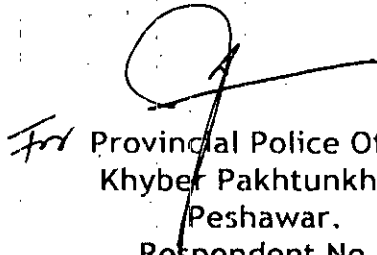
V E R S U S


1. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. District Police Officer, Nowshera.
3. Deputy Inspector General of Police, Mardan Region.


.....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.


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No.1


 Deputy Inspector General of Police,
 Mardan Region
 Respondent No.03


 District Police Officer,
 Nowshera.
 Respondent No.02

بعد ازاں جناب چیمبر میں سر اوس ٹریبونل چیمبر منتخب ہوا۔

عادل رضا نام آج - 30/7/69

دو فوائض علیہ ادا تمبر ملو مارچ پیشی پر دیکھ کر
آی اوس ٹریبونل چیمبر میں

30/7/69

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

حضور پروردگار کی خدمت میں 30/7/69

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

آج کے دن میں باقاعدہ عنوان بالا عدالت حضور پروردگار کی خدمت میں

30/7/69

عادل رضا

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A # 1181/2018

Adil Raza

Versus

Police Department

REJOINDER ON BEHALF OF
APPELLANT

Respectfully Sheweth,

All the Preliminary objection raised by the Respondents are incorrect and baseless and not in accordance with law and rules rather the Respondents are stopped due to their own conduct to raised any objection at the stage on the appeal.

Facts

All the facts of the appeal are correct while reply of the Respondent Department is incorrect void abinitio and illegal, because the impugned dismissal order is has been passed without fulfilling the codal formalities as such no charge

sheet, no statement of allegation has been issued or served to the appellant no departmental inquiry has been conducted against the appellant nor there is mentioned any words regarding the charge sheet as well as departmental inquiry in the impugned order, rejection order as well as in the reply of the respondent department and so concerned the absence of the appellant from duty is not deliberate or intentionally but was beyond the control of the appellant i.e in the year 2013 domestic problems has been arises to the appellant due to which the appellant left his village / concern area along with his family from the pressure/threats of the opponents and beside that including illness of the mother of the appellant due to which the appellant was unable to performed his duty with respondent department. In this regard the appellant properly moved an application to respondent department.

That in the year 2018 domestic problem has been solved after solving the said problems the appellant visited to the respondent department where the appellant came to know that the appellant has been dismissed from service on 25.09.2013.

The appellant submitted departmental appeal within one month from the communication of the

impugned dismissal order which has been rejected on 05.07.2018 after that the appellant submitted revision petition within one month from the rejection order dated 05.07.2018 which has been rejected on 09.08.2018.


ON GROUNDS:-

All the grounds of the appeal are correct and accordance with law and prevailing rules and that of the Respondents are incorrect baseless and not in accordance with law and rules hence denied, because no opportunity of defence and personal hearing has been provided to the appellant and the order has been passed from retrospective effect which also come under the definition of the vide order.

It is, therefore, requested that on acceptance of the instant rejoinder the impugned orders dated 25.09.2013 & 05.07.2018 may kindly be set aside & the appellant may kindly be reinstated on his service along with all back benefits.


Petitioner

Through


Roeeda Khan
Advocate, High Court
Peshawar.