

11.01.2019

Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 08.03.2019 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

08.03.2019

Nemo for appellant.

On 11.01.2019 notices to the appellant and his counsel were ordered. The record indicates that requisite notices have been duly issued for hearing today. Despite repeated calls no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.



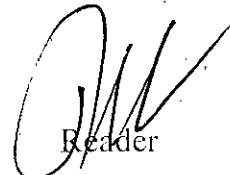


Chairman
Camp Court, Swat

ANNOUNCED
08.03.2019

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1171 /2018

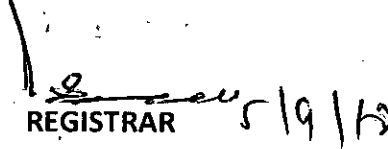
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/09/2018	<p>The appeal of Mr. Sajjad Ali resubmitted today by Mr. Zarawar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 19/9/18</p>
2-	24-9-18	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>09.11.2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
09.11.2018		<p>Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 11.01.2019 at camp court Swat.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Sajjad Ali Ex-Police Constable No. 2093 son of Sher Muhammad Khan Tehsil Charbagh Distt. Swat received today i.e. on 05.09.2018 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 which may be placed on it.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Copy of service book mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1803 /S.T,

Dt. 05/9 /2018.

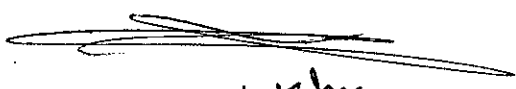

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zarawar Khan Adv. Swat.

R. Sir,

- 1) objections No 1, 2 has been removed.
- 2) objection No 3 is regarding charge sheet show cause and inquiries -- so, it is stated that No show cause notice has been issued by respondents and No inquiry or charge sheet has been conducted by respondents therefore submit an affidavit with the instant petition.
- 3) objection No 4 is related with copy of departmental appeal so, it is stated that departmental appeal ^{was} submitted with respondent No 1. and order dated 19-2-18 is attached as Annexure "B".
- 4) objection No 5 is regarding service book, so, it is stated that O-B-No 49 Dated 12-3-2010 is placed on file at page No 7 Annexure "A".
- 5) objection No 6 has been removed.

all objection has been removed / redress there for file is re submitted


Zaxunax kh
Advocate

BEFORE THE KHAYBER PAKHTUN KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1171 of 2018

Sajjad Ali VS Inspector General etc

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of appeal		1-4
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3.	Memo of addresses		6
4.	Copy of impugned order dated 12/03/2010 by D.P.O Swat (Respondent No.3)	A	7
5.	Copy of the impugned order dated 19/02/2018	B	8
6.	Copy of clearance certificate	C	9
7.	Copy of NIC of the appellant		10
8.	Copy of domicile certificate of the appellant		11
9.	Wakalat Nama		12

Appellant through



ZARAWAR KHAN
Advocate High Court
R.No 32,34 Legal Floor
Sultan Tower, Makanbagh
Mingora Swat.
Cell No. 03469692085

①

BEFORE THE KHAYBER PAKHTUN KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1171 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1395

Dated 05/9/2018

Sajjad Ali (ex police constable No.2093) S/o Sher
Muhammad Khan R/o Mohallah Mashori Khel Gulibagh
Tehsil Charbagh District
Swat.....Appellant

VERSUS

1. Inspector General of Police of Khyber Pakhtunkhwa at Peshawar.
2. Deputy Inspector General of Police Malakand Region at Saidu Sharif Swat.
3. District Police Officer District Swat at Gulkada.
4. S.H.O police station Charbagh District Swat.

...Respondents

Filed to-day

Registrar

5/9/18

Re-submitted to -day
and filed.

Registrar

19/9/18

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUN KHWA
SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER OB NO.49
DATED 12/03/2010 WHEREBY THE
MAJOR PENALTY OF DISMISAL /
DISCHARGE FROM SERVICE WAS
IMPOSED UPON TO THE
APPELLANT AGAIST THE LAW ,
RULES AND SHARIA, THUS IS
LIABLE TO BE SET ASIDE. FEELING

②

AGRIEVED FROM THE SAME THE
APPEALNT PREFERED
DEPARTMENTAL APPEAL WHICH
WAS ALSO DISMISSED VIDE ORDER
NO. 1319 DATED 19/02/2012 IN A
SUMMARY MANNER AGAINST THE
LAW, RULES AND SHARIA HENCE IS
ALSO LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE
INSTANT APPEAL BOTH THE
ORDERS IMPUGNED MAY KINDLY
BE SET ASIDE AND THE APPELLANT
REINSTATED BACK INTO SERVICE
WITH ALL BACK BENEFITS.

Respectfully Sheweth:

Facts:

1. That the appellant is the bonafide resident of Mohallah Mashori Khel Gulibagh Tehsil Charbagh District Swat.
2. That the respondent No.3 appointed appellant as a police constable and gave him belt No.2093, the appellant performed his duties honestly and punctually.
3. That the respondent No. 3 through order book No.49 dated 12/03/2010 discharged appellant from his service on the basis of false charges that appellant

links with terrorists/ militants organization. (Copy of order book is annexure A)

4. That feeling aggrieved from the impugned order of respondent No.3 dated 12/03/2010, the appellant preferred a departmental appeal which was also rejected by the respondents on dated 19/02/2018. (copy of the impugned order is annexure B)
5. That the appellant time and again approached to respondents to reinstate the appellant and set aside order book No.49 dated 12/03/2010 and order dated 19/02/2018 but no fruitful results.
6. That still aggrieved and having no other option this Honorable Tribunal is approached on the following grounds for the redressal of grievances.

GROUNDS.

- a) That act of the respondents is illegal, against the law, arbitrary and against the norms of justice and without lawful authority.
- b) That the respondent No. 3 wrongly considered the appellant involvement with terrorist / militants as there is not a single FIR, Madd report registered against the appellant in any police station.

④

c) That the father of the appellant remained in custody of Pak Army and Pak Army declared him as innocent and issued certificate in favor of appellant's father and gave recommendation for the reinstatement of the appellant. (Copy of the clearance certificate is attached as annexure C)

d) That appellant is a law abiding citizen of Pakistan and performed his duties honestly and punctually, he does not even think about involvement in anti-state activities.

e) That being citizen of Pakistan it is the fundamental right of the appellant to join services therefore the impugned orders of the respondents are liable to be set aside and the appellant be reinstated upon his previous post.

f) That the orders impugned are not sustainable in the eyes of law.

PRAYER It is therefore humbly prayed that on acceptance of the instant appeal the both the orders impugned may kindly be set aside and the appellant be reinstated back into service with all back benefits.

Any other relief which this honorable court deems fit and proper in the circumstances may also be granted.

Appellant *Sajjad Ali*

Sajjad Ali through

Zarawar Khan 

Advocate High Court

(5)

BEFORE THE KHAYBER PAKHTUN KHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Sajjad Ali VS Inspector General etc

AFFIDAVIT

I, Sajjad Ali S/o Sher Muhammad Khan R/o Mohallah Mashori Khel Gulibagh Tehsil Charbagh District Swat do hereby solemnly affirm and state that all the contents of this instant writ petition are true and correct to the best of my knowledge and belief and nothing has been kept. Moreover, no such like writ petition is either pending or decided by this Hon'ble Court.



Sajjad Ali
Appellant

Sajjad Ali

1

**BEFORE THE KHAYBER PAKHTUN KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____ of 2018

Sajjad Ali VS *Inspector General etc*

ADDRESSES OF THE PARTIES.

ADDRESS OF APPELLANT :

*Sajjad Ali S/o Sher Muhammad Khan R/o Mohallah Mashori
Khel Gulibagh Tehsil Charbagh District Swat.*

CNIC No.15602-4615040-7

Mobile No.03452221819

ADDRESSES OF RESPONDENTS.

- 1. Inspector General of Police of Khyber Pakhtunkhwa at Peshawar.*
- 2. Deputy Inspector General of Police Malakand Resion at Saidu Sharif Swat.*
- 3. District Police Officer District Swat at Gulkada.*
- 4. S.H.O police station Charbagh District Swat.*

Appellant

through

Zarawar Khan

Advocate High Court

2093

7

Area 'A'

ORDER

As per report of SHO Police Station Charbagh, vide DD No. 8 Dated 11/03/2010, recruit Constable Sajjad Ali No. 2093 has link with terrorist/militants organization and his father and brother were also involved in militancy arrested by Pak Army, his brother Muhammad Hayat No. 2230 of Special Police Force recruited also ~~has been with terrorist in this case~~ *has been with terrorist in this case*, Hence his service is no longer required by police department as there is threat to police to retain such miscreants in the force.

Keeping in view the circumstances mentioned above I Qazi Ghulam Farooq DPC Swat in exercise of the power vested in me under Section 5(4) Removal from service. He is hereby discharged from service with immediate effect.

Order announced.

[Signature]
District Police Officer, Swat

O.B No. 49

Dated 12.3 /2010

[Signature]
Attested Advocate

ATTESTED

[Signature]
ADVOCATE

8

Amend 8088 P.001



1319
19.2.18

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

No. S/ 658 /18, dated Peshawar the 08/02/2018.

To: The Regional Police Officer,
Malakand Region, Swat.

Subject: APPEAL (EX-FC SAJJAD ALI NO. 2093)

Ex-Constable Sajjad Ali No. 2093 of District Police Swat 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 07 years.

The applicant may please be informed accordingly.

ATTESTED

[Signature]

ADVOCATE

(AHSAN SAIFULLAH)
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

no 1852 / E d A / P - 02 2018

E-c/OA SI

[Handwritten signature]

District Police Officer
SWAT.
19/2

E-c/DPO Swat
Per instructions the applicant
may be informed
accordingly please

[Handwritten signature]

No 4748 - IE,
dt 21/5/2018.

SHOPS Charbagh.

Inform Ex-constable Sajjad No. 2093
Son of Sher Muhammad, A/o
Gulibagh Mohalla: Mashorai Khui?
Encls: (01) complete Address

Attested

Zohra Khan
Advocate

(a)

RESTRICTED

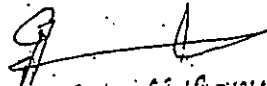
10 Sind Regiment
Operational Area
8038/Application
19 Apr 2010

To: Deputy Inspector General of Police
Swat

ATTESTED

Subj: Welfare - Civilians

Sher Muhammad Khan s/o Zor Muhammad Khan remained under military custody from 22 Dec 2009 to 6 Mar 2010. During the course of investigation the individual was found clear and has not been found involved in any activity which could be termed as anti state. His sons Hayat Muhammad Khan and Sajjad Ali who were serving in police, were terminated due to their father's arrest. It is recommended that his both sons may be reinstated in the service if found suitable, please.


Ghulam Muhammad
M.A. No. 5 & 7
GH5, Chamatal




Colonel
Commanding Officer
(Muhammad Osman)

RESTRICTED

Attested Advocate

ATTESTED


ADVOCATE

10

حکومت پاکستان
قومی شناختی کارڈ
15602-4615040-7



نام: سجاد علی

پیدائش: 18/02/1988

تاریخ پیدائش: 18/02/1988

سلیم حسین

دستخط مشورہ منزل

S. Ali
دستخط مالک

Attested Advocate

ATTESTED

ADVOCATE

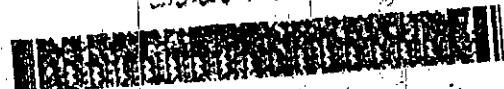


U835TG قادیان سید 15602-4615040-7

قادیان سید، قادیان، سندھ

30/04/2018

27/05/2008



11

1595

N.W.F.P.
SWAT DISTRICT.

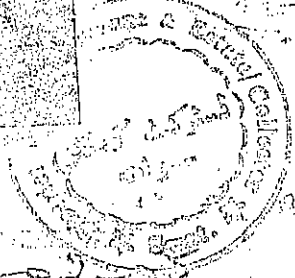
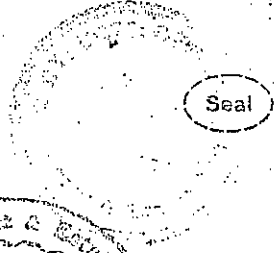
Declaration.

I Sajjad Ali declare that I was born of parents who are permanently domiciled in north west frontier province by birth, having settled in it. I belong to village / mohallah Guli bagh tehsil Swat District of Swat having been born in it.

Sajjad Ali
Signature of applicant.

Pursuant to the declaration filed above by Sajjad Ali Son/daughter/wife of Shah Mohd Khan it is hereby certified that the said Mr/Mrs/Miss Sajjad Ali is born of parents who are permanent residents of N.W.F.P. Swat District belonging to it by birth, settled in it. I have satisfied myself from my personal knowledge/verification overleaf that the above declaration is true.

NO 3108 /DDOR/SWAT/MATTA This 25 day of Feb 2005.



[Signature]
Deputy District Officer.
Revenue & Estates.

[Signature]
Attested
Advocate

Countersigned.

[Signature]
Collector/ District Officer-
Revenue & Estates
Swat.

2158
25-2-05

ATTESTED

ADVOCATE

تقدیق

- (۱) یہ کہ سسی / مسماہ سید علی ولد امت ازوجہ شریعہ ساکن گنگوہی کا کی اصلی پیدائشی ہے جو کہ میرے حلقہ نیابت میں واقع ہے۔
- (۲) یہ کہ سسی / مسماہ مذکورہ نے قبل ازیں کوئی ڈویسائل سرٹیفکیٹ حاصل نہیں کیا۔
- (۳) یہ کہ فارم ہذا پر چسپاں تصویر درخواست کنندہ کی ہے جو کہ میری تقدیق کردہ ہے۔
- (۴) یہ کہ سائل / مسماہ ڈویسائل سرٹیفکیٹ کا حقدار ہے جس کو میری ذاتی ذمہ داری پر ڈویسائل سرٹیفکیٹ دیا جائے۔

گواہ نمبر 1: نام عبدالحمید ولایت عبدالرحمن سکن گنگوہی

شناختی کارڈ نمبر 7-8889608-5602 دستخط محمد

گواہ نمبر 2: نام شیخ محمد خان ولایت خوش نواز سکن گنگوہی

شناختی کارڈ نمبر 3-0194034-5602 دستخط محمد

تقدیق متعلقہ ریونیو آفیسر

نام امیر زب

عہدہ جنرل سیکریٹری

Amir Zeb
General Councillor,
S.S. Gungohi Svat.

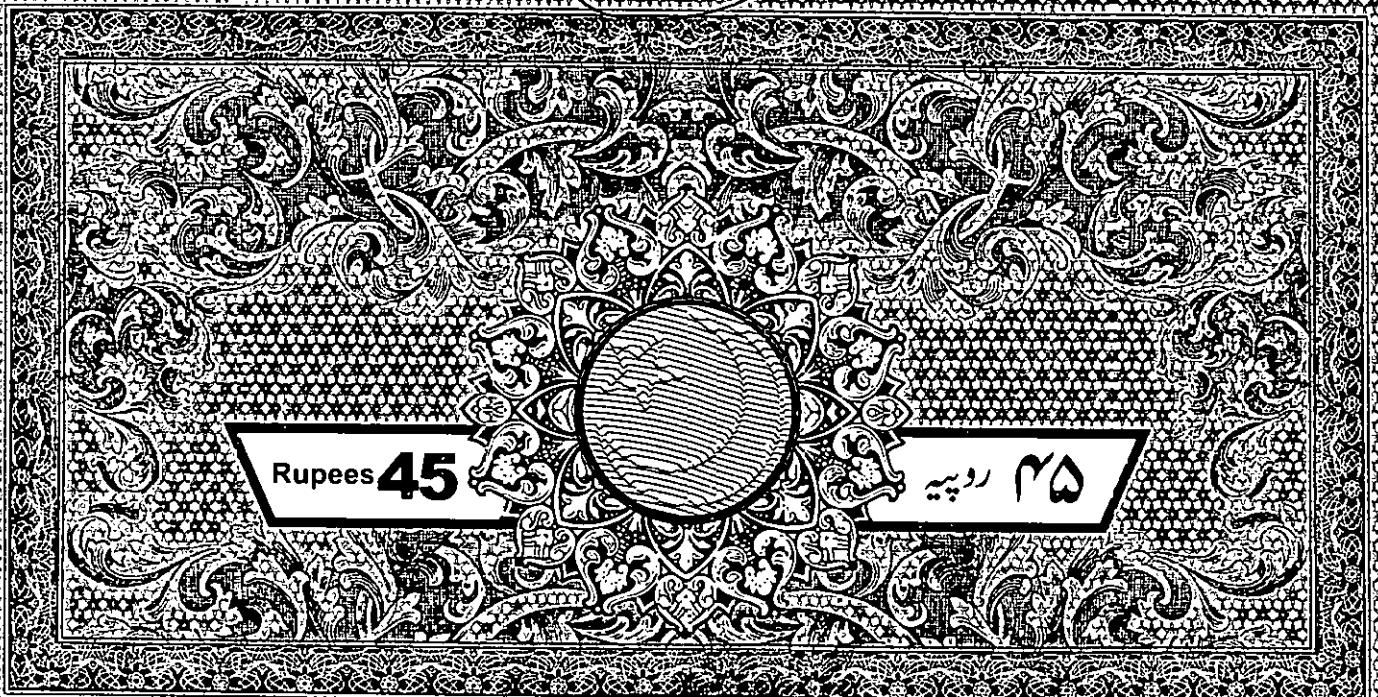
- نوٹ: ۱۔ ڈویسائل فارم پر تصویر لگدے جہاں لکھے۔
- ۲۔ فارم میں اگر کوئی غلطی ہو تو اسے کوالیفائیڈ آفیسر کی نظر سے گزرانا چاہیے۔
- ۳۔ فولڈ شدہ اور چھپے ہوئے فارم قابل قبول نہیں ہوں گے۔

دستخط و امیر ری کنڈر ڈویسائل فارم

دستخط و امیر ری کنڈر ڈویسائل فارم قابل قبول نہیں ہوں گے۔

25/05

Rs: 5.00



Rupees 45

۲۵ روپیہ

بیان حلفی

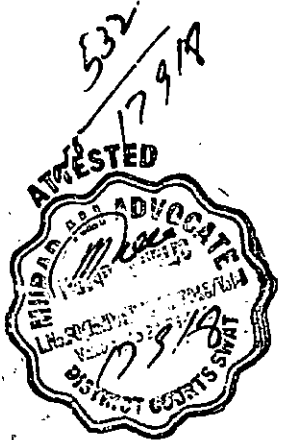
مذکورہ سہیلی بیجا علی ولد شیر محمد خان سکنہ محلہ مشوروی محل تحصیل چاریانہ
 ضلع صوابھی کا بیوی۔ حلفاً بیان کرتا ہوں کہ میں حلف کو پورا کرتے آرڈر کی تکمیل
 ۴۹ محرمہ ۲۰۱۵ء ۱۲-۳-۲۰۱۵ء کو مشوروی سے ڈسپازر بنایا گیا ہے، اس نسبت میں حلف
 کوئی شکوکہ از سر نہیں، آنکھ دیکھی اور رپورٹ وغیرہ نہیں دے سکے ہیں۔
 حملہ مرا تیب بیان حلفی مکمل اور درست اور صحیح ہیں۔ لہذا
 بیان حلفی مکمل سنداً تحریر ہے۔

۱۳/۹/۲۰۱۸

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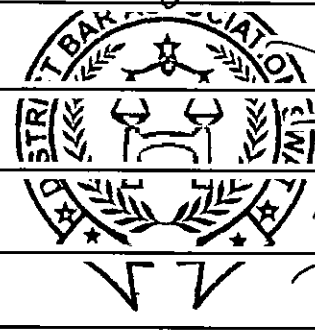
بیجا علی

15602 4615040-7



 <p>بار کونسل نمبر: 590685</p> <p>بار ایسوسی ایشن نمبر: 2251</p> <p>رابطہ نمبر: 03469692085</p>	  <p>بریل نمبر: 3998</p> <p>ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
--	---

بعدالت جناب: سر جسٹس ٹریبونل صاحب صوبہ خلیفہ خٹو خواہ بہ تمام سینار۔

<p>منجانب: اہل انیل</p>  <p>سجایا علی</p> <p>انسپیکٹر جنرل روٹری کلب خلیفہ خٹو خواہ دیر</p>	<p>سر جسٹس ٹریبونل</p>  <p>دعویٰ اور خواہش:</p> <p>علت نمبر:</p> <p>مورخہ:</p> <p>جرم:</p> <p>تھانہ:</p>
---	---

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام سر جسٹس ٹریبونل صوبہ خلیفہ خٹو خواہ سینار سید زاہد و رفان اہل کونسل کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمرازہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سند رہے

سجایا علی و لم سیر محمد خان سکسٹہ
گلی باغ ہنڈ سوات۔

مقام سر جسٹس ٹریبونل خلیفہ خٹو خواہ سینار کے لئے منظور ہے۔
Attest
[Signature]

"A"

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

No.

APPEAL No. 1171 of 20 18 ^{T.B}

Sajjad Ali

Appellant/Petitioner

Versus

16/P, 14/11/18 Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Zarwan Khan
Advocate High Court
Legal Floor Sultan Feroze Makumbagh
Mingora Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8-3-2019 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

1171

18

APPEAL No..... of 20

Sajjad Ali

Appellant/Petitioner

Versus

1 GP, 14 PC Pesh.

RESPONDENT(S)



Notice to Appellant/Petitioner

*Sajjad Ali S/o Sher -
Muhammad Khan R/O Mahallah
Mashori Khel Gulibagh
Tehsil Charbagh Distt. Swat*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.