Sr.	No.	Date of order/	Order or other proceedings with signature of Judge/
	··	proceedings 2	Magistrate 3
1	· . 1.	· · ·	
			KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>CAMP COURT, D.I.KHAN.</u>
	:		Service Appeal No. 907/2014 Muhammad Ahsan Versus the Provincial Police Officer, Peshawar etc.
			JUDGMENT
		25.01.2016	PIR BAKHSH SHAH, MEMBER Counsel for the
· . 	·,		appellant (Mr. Muhammad Asmail Alizai, Advocate) and
- -			Government Pleader (Mr. Farhaj Sikandar) with Mushtaq
			Ahmad, S.I (Legal) for the respondents present.
		$\left[\begin{array}{c} \\ \end{array} \right]$	2. The appellant was appointed as Constable in the
•			Police Department in the year, 2007. He was removed from
		$\bigcap_{i=1}^{n}$	service vide impugned order dated 23.05.2009 on the
1			ground of his absence from duty w.e.f 31.12.2007 to
			01.4.2008 and again from 09.4.2008 onward. His
-		V. V	departmental appeal was also rejected on 01.4.2013, copy
:		V	of which was delivered to him on 30.5.2013, hence the
			instant appeal under Section 4 of the Khyber Pakhtunkhwa
			Service Tribunal Act, 1974.
			3. Arguments heard and record perused.

4. Contention of the learned counsel for the appellant is that in a case of Suicide attack reported vide FIR No. 341 dated 15.7.2007 P.S Cantt. D.I.Khan, the

appellant got injured and suffered from traumatic and psychological effect for which he regularly took treatment. That the respondent department instead of having sympathy with the appellant treated him absent from duty and initiated disciplinary proceedings against him as a result whereof he was removed from service. The learned counsel further stated that the entire departmental proceedings being defective for the reason that no charge sheet, show cause notice were served on the appellant nor he was associated in the proceedings of the enquiry. It was further submitted that no opportunity of defence has been provided to the appellant. He also stressed that his service appeal is within time.

After hearing learned counsel for the appellant and learned Government Pleader and perusal of the record, it was observed that the matter of illness of the appellant has not been at all taken into account by the enquiry officer. Further no opportunity of personal hearing was provided to the appellant even by the appellate authority. For the said reasons, it was necessary that the appellant should have been given opportunity of personal hearing at least by the appellate authority. The Tribunal is constrained to set aside the impugned order dated 01.04.2013 of the appellant authority. Resultantly the order dated 01.04.2013is set aside and the case is remanded to the

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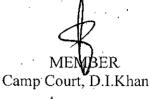
appellate authority to give full opportunity of hearing to the appellant and to decide his departmental appeal afresh on merits strictly in accordance with law, within a period of one month after receipt of this judgment. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 25.01.2016.

(PIR BAKHSH SHAH) MEMBER (Camp Court, D.I.Khan)

N. Sec. St.

(ABDUL LATIF) MEMBER Appellant present in person and Mr Farhaj Sikander, GP for respondents present. Rejoinder received and placed on file. To come up for arguments on 2**6**.5.15. at Camp Court D.I.Khan..



26.05.2015

(inn on the strong

31.3.2015

Appellant in person and Mr. Farhaj Sikandar, GP for the respondents present. Due to general strike of the legal fraternity, counsel for the appellant is not available. To come up for rejoinder and arguments at camp court, D.I.Khan on 27.07.2015

EMBER Camp court, D.I.Khan

27.07.2015

Appellant present in person and Mr. Farhaj Sikandar, GP for the respondents present. Appellant requested for time to file rejoinder. To come up for the same on 27-10-2015 at camp court, D.I.Khan.

> MEMBER Camp Court, D.I.Khan

27.10.2015

Appellant with counsel and Mr. Farhaj Sikandar, GP for the respondents present. The Bench is incomplete, therefore, case to come up for rejoinder and arguments at camp court, D.I.Khan on 25/1-16.

MEMBER Camp court, D.I.Khan

Appellant with counsel present. A.G. P. pr 23-6-14 respondent present and requested for adjournment. To come up for reply on 30-9-14 at camp Court, D. 1.K. Camp court, D. 1 k Counsel for the appellant and G.P. for 30-9-14-Nespondent present. Case adjourned to 29-12-2014 for written reply at camp Guit D. I. Rhan Camp Court D'IK Appellant in person present No one. is present on behalf of respondent. Case appoint to 27-1-2015 for reply at camp comp. p. 1. K. 29-2-14 2.l egishar Camp duit, D'I'k. Appellant with counsel and G.P. for respondents 27-1-2015. present: Written reply received, copy where of is handed over to appellant for rejounder, if any. To coments for reporter on 31-3-2015 at camp Court D. 1. Klau Meinber Comp Count, D. I.K.

7-1-2014. Tour to camp court D. I. Khan hasbeen resumed vide office order dated 23-12-13 Therefore, This case is fixely 28-1-2014 at Camp Court, D. I. Khan . Notice be issuel to the appellent/course accordingly, for prelimining Registrar

27.01.2014

Appellant with counsel present and heard. The learned counsel argued that appellant has not been treated in accordance with law. Points raised in the memo of appeal, would require *srt all with legal whichers* consideration. Admit Process fee and Security with in 10 days. Thereafter, notices be issued to respondents for submission of written reply on 25-03-2014 at Camp Court, D.I.Khan.

Camp Court DJ.Khan

Camp Court Dilkhan,

Appellant in person and G.P. for respondent 25-3-14. present. G.P. is dreeted to ensure attendance of respondents and submission of reply on nept date - To come up for written uply on 23-6-14 at camp Court, D. J. Khong.

Form-A

FORM OF ORDER SHEET

Court of

	Çase No	907/2013
S.Nò.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	, 2	3
1	20/05/2013	The appeal of Mr. Muhammad Ahsan re-submitted today by Mr. Muhammad Ismail Alizai Advocate, may be entered in the
		Institution Register and put up to the Worthy Chairman for preliminary hearing.
2	27-8-2013	This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on $\frac{24-4-2z/3}{N}$
3-	2-61-9-13.	Cornisel for the appellant present and requested for adjournment. To come up for preliminary hearing on 26-11-2013 At camp.
		Man D. I. Khan. Man Del Khan
4-	26-11-2013:	Vide order dated 31-10-2013. Therefore motices be issued to an appellant & his country
•		on 14-1-2014 at Jeshawan for prelimining,
		Registru

The appeal of Mr. Muhammad Ahsan Ex-Constable No.2587/FRP, received today i.e. on 30/04/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of reply to Show Cause Notice mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

/S.T. <u>0/04</u>/2013.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

MR. MUHÁMMAD ISMAIL ALIZAI ADV. HIGH COURT D.I.KHAN.

The completion / freehilication as required has been Carried only in the following manner. 1. Mantion of "reply to Clew Cause Notice" Contained in para . 5 of the more of appeal was an inadvester hypolographical mistake which has been been frechfred and initialled in token of Cospection. 2. One (set/Copy of appeal is added herein,th.

he fondomitted for head perusal and further proceedings. It is prequested that the petition may hindly he included in the fist of ensuing lover to Dikhan in the month of Jay-2013 ahe

Muhammad Ismail Alizai Advocate High Codst Dera Ismail Kindo

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

/2013.

Appellant.

Service Appeal No.__

Muhammad Ahsan, Ex.PC / FRP No.2587.

Versus

Provl: Police Officer, Khyber Pakhtunkhwa, and others. Respondents.

Service Appeal

I N D E X

Description of Documents S.No. Annexure Page(s) 02-05 1. Petition with Grounds of Appeal & affidavit. 06 --- 11 Copies of FIR; Med; Records etc. 2. Copies of Inq:Rep/FSC Notice/Order. B, C, D. /2 ____ 3. 16-4. Copies of Deptl: appeal / Order thereon. E & F 19 5. Vakalat-Nama

Dated: 27.4 2013

(Muhammad Ahsan) Appellant Through Counsel

Advocate High Court, DIKhan.

Muhammad Ismail Aliza Advocate (Joh Court Dera Ismail Khan

Jizai)

(Mukammad Isma

BEFORE SERVICE TRIBUNAL, KHY:PAKHTUNKKHWA, PESHAWAR.

W.P. Provid LOS DANS

/2013.

Muhammad Ahsan,

Ex. Constable No.2587/ FRP, D.I.Khan.

S/o Haji Muhammad Sadiq, R/o Shah Jehan Town, Police Station Cantt; Dera Ismail Khan.

(Appellant)

<u>Versus</u>

- 1. The Provincial Police Officer (IGP), KPK, Central Police Office, Peshawar.
- 2. Additional Inspector General of Police / Commandant, FRP, Khyber Pakhtunkhwa, Peshawar,

3. Superintendent of Police, FRP, D.I.Khan Range, D.I.Khan.

(Respondents)

Note: The addresses given above are sufficient for the purpose of service.

filed.

SERVICE APPEAL AGAINST ORDER DTD 23.05.2009 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE BY RESPOT: NO. 3, AND FINALL ORDER No: 2356-57/EC DATED 1.04.2013 OF RESPDT: **NO.2 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT** WAS REJECTED.

Respectfully Sheweth: -

The appellant very humbly submits as under: -

BRIEF FACTS:

- 1. That the petitioner was inducted in Police Department / FRP as Constable during the year 2007 at D.I.Khan. Prior to the implementation of the impugned orders the petitioner had been serving under Respondent No.3 while Respondent No.2 is the appellate authority and Respondent No.1 commands overall authority in respect of the parties, thus all are necessary party to the lis.
- 2. That the appellant always striven hard to discharge and fulfill the duties and tasks assigned with due diligence and dedication. Service record of the appellant is otherwise unblemished, clean and devoid of any adverse marking since nothing of the sort has ever been conveyed to the appellant in this respect.
- 3. That during July 2007 the appellant fell victim to a terrorist activity and got injured in a bomb blast at Police Lines, D.I.Khan wherein many other police officials got injured and embraced martyrdom. The incident left serious physical and mental repercussions on the appellant who had to seek persistent medical care and advice thus remained under treatment for a protracted period of time. Copies of relevant records placed at Annex-A.
- 4. That while ignoring the physical and mental conditions of the appellant he was subjected to departmental action by the authority on the allegation of absence from duties. The matter was assigned for inquiry to the then DSP/Paroa Circle, D.I.Khan who while pushing the proceedings in a slipshod manner, conveyed complicity on part of the appellant in his inquiry report yet without any basis, foundation and sustainable material or evidence brought on records in any manner and recommended award of punishment to the appellant.
- 5. That the matter having put-up for consideration to the authority i.e respondent No.3 culminated in award of punishment to the appellant of removal from service again after a cursory proceedings conducted in the name of Final Show Cause Notice, though never served. Copies of Inquiry Report, final show cause notice Copies of SP/FRP, D.I.Khan i.e. respondent No.3, procured by the appellant through his source are attached herewith at <u>Annexes B, C & D</u>, respectively. The respondents have refused to furnish any certified copy of records, including Charge-Sheet etc.
- 6. That on learning about the passage of an ex-parte order and aggrieved from it, the appellant moved an appeal with respondent No.1 seeking reinstatement in service on the grounds mentioned therein. The petition of appeal was assigned to Respondent No.2 for disposal however, could not find favour with respondent No.2 and was dismissed / rejected vide order dated 1.4.2013, conveyed / received to the appellant through post on 13.4.2013. Copies of appeal filed by the appellant and the order of respondent No.2 are placed herewith at <u>Annexes E & F</u>, respectively.

front

That left with no other remedy, the appellant approaches this Hon'ble tribunal seeking reinstatement in service with all back benefits in consequence of setting aside of the impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

<u>Grounds:</u>

7.

Arrow

- 1. That the orders passed by departmental authorities i.e respdts: No.2 & 3, impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect, utra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified.
- 2. That the appellant is innocent and has been subjected to the penalty for no fault on his part. SP/FRP, DIKhan (Respondent No.3), failed to regulate the departmental inquiry in accordance with the law & procedures prescribed for the purpose and as such erred at the very out set of the proceedings thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- 3. That it is a matter of record that the appellant has been vexed and yet twice, in clear defiance of the law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- 4. That the respondents while adjudicating in the matter of departmental proceedings and the appeal / representation of the appellant disposed off the entire matter in a slipshod manner through the non-speaking orders impugned hereby thus the award of impugned punishment is patently unwarranted, illegal, ultra-vires, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.
- 5. That the appellant had sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defiance of law as aforesaid, deprived the family of the appellant of its only means of earning livelihood.
- 6. That the orders passed by the respondents on holding of departmental proceedings including the order on award of punishment as well as the one in respect of the departmental representation / appeal as impugned hereby, have infringed the rights and have caused grave miscarriage of justice to the appellant without any lawful excuse.
- 7. That while ignoring the rights of the appellant guaranteed by the constitution, the departmental authorities / respondents utterly failed to adopt a proper course & to follow due procedure hence erred in disposal of

the matter in accordance with the law and rules. The impugned orders passed by SP/FRP, D.I.Khan (Respodt: No.3) and Addl:IG/Commandant, FRP i.e. (Respondent No.2) thus lack in legal sanction and therefore, are liable to be set aside in the interest of justice.

- 8. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
- 9. That this Hon`ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- 10. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned order dated 23.05.2009 passed by SP/FRP, D.I.Khan and the appellate order of respondent No.2 dated 1.4.2013 may, on being declared as illegal, arbitrary, discriminatory, void ab-initio, ineffective and inoperable against the appellant, be very graciously set aside and the petitioner may in consequence thereof be very kindly reinstated in service with allowance of all back benefits. Grant of any other relief deemed appropriate by the Hon'ble Tribunal is solicited, too.

Dated: 27.4.2013

Humble Appellant,

Kene'

Through Counsel.

(Muhammad Advocate High Chaur nall Khan

(Muhammad Ahsan) Appellant,

AFFIDAVIT: Dated:27.4.2013.

I, Muhammad Ahsan, the appellant, hereby solemnly affirm and declare on oath that contents of the petition are true and correct to the best of my knowledge, belief and per the official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.

Ind 2. te Deponent. Qav Jefg King D

دبه مرحدقارم جمر ۲۳ ايتدابى اطلامى ريور (فاسل) ابتدال اطلاح نسبت جرم قابل وست اندازي يونيس ويورث شدها سيدف مد ١٥٠٠ Dia B 15 3 197 - 20, 191 341 20 15 5 Gul 1/6.40 The 157 114:40 دار المقت ربور ... 11. on sin in an can in and gur be all all all بهم وسكونت اطلاع د منده مستغيث Jer K · M. 302-324-35. تركيفيت جرم (معدد فعه) حال أكر كجة الماكما بو TATA-TATA-31 Lowe, ات وقوعه فاصل فعاند ب اور سمت بر رد مر مر ورد روس مد نام دسکونت طزم ۵ مر روی در ای مدیر عمد) بیل در در مال سو كارداني وتشتش مستعلق كي كل الراطلام دريت كريز من وقف موامولود جهدان كم ۲ بغنهر المشرارير اتعاند _رواعلى كى تاريخود قت وربور بالم جدا وتسبي مراج ايتداني اطلاح ينج درج كرو مري مترم مرسب کا بن سار ار ان 1284 ج 1199 con 11 con 11 con 1199 קליית נובין בן נוניש טועור AS معتقات مرب المررسي في فراجن الم المن وهذا ن المحمد الما وفي الم · (56 , ~) برای مدین مرد مان ماند اس مان اس مان از مرد المرور المرور ادان الله وراندور ، حافظ ا 15 643 - 1 - 1 - 1573 - 1573 (1.9.1. 156 - 156 - 15- 647) میں میں دیکھ میں میں میں میرو دور میں مال ب اور میں خرود وہ جع بہت جرائی میونے دور جی کانی تعدر ارتباع J. 1036 pt. - زمير 6 مدم ون في المرحدين تترجي المرحين عدد المراجعي المرجعي المرجع خدهیت گرد مروب می منعوم شری کی . موتا سال م فى منه أحد معنى شرى من دار كرب م فدف د مرمد من المحققان م روان ال ی وی می می رو ای رو می از ای می می می می ای می می ای از مان از مراجع می می از مان از شريب 303 شاه ويان ويد ور در در مريس بي معدن ريور - حور -المروق وما كاني من ما تا عاني من وروان المحالي من من مرور ما ي 2 00 من 2 0

مرمده مرامی مردم وفران Line pars. Pr وزم ما 12 60 0 وتهم في ما م

1912-1-03716

الطارع في عليه الملائع وسده والمتحط وكال الن لا

اطلال مح مطلان وسعة فاستخط موكل السكان بيا علم الطباط على ادر السر تحرير كند، اتدال اطلاع كاد سطالور تعديق موقله حرد بالنسبار سر المروضات سطالقال مراقب طوم بالمشترعين لرسيك داسط باشند كان غلاقه عبر ماد- طالبتا بالغغانستان جهال مودول، دف ط

313-6

- 2 Color 10 14 JM/C عل مرجب ومغدافت فرم خدكريد مرج مسى 587/07 528/07 ید عبدالعن و معندم زیر رخور ایران مرابی می میزی مدد کجردی و مرعید می و مردن شریب می میدن یا مطارید هنه یدوی و مدین از می میتن می جعب دری (ک 529/07 530/07 و مقصعه مد مد العدالعد العدم في مري مري مري والاران 531/07 مع جرامه ور الاحترى مال 531/07 وحيرها للرمية مال في محمد في محمد في محمد المحمد في المحمد المحم 533/17 28 « مالار ور طفر المال في حوف عرف الافر ال 534107 الم المعالية الم محدد ومذات في حدوث من معين 535/07 د» میں اجر در العرام تم مرد آن " ² حون مردول 536/07 الم مر الرور (163) ومدين أي أن أن الم الم ال 586/07 (syrain i an satisfier a) main sain sail 585/67 2' عداللطعي وند المردو في ولي م تح كالفارع 584/07 با مراجعن مادور مزاهن ما جرام مر مرز 585/07 scine and signed signed and is 532/07 6) in the contract of Rein wing 581/07 586/07 ۵: میت می ور می می ور می می می می می ور می ور می ۲۶ میر دلیتی از می می روی کی تریی می می از می از می از می از می ۶۶ میر میشمی ور میری کی می می از می می از می از می 579/07 578/07 572/07

بد التراجر ورمرومان فر راب فرال فراح 576/07 م المرومن ورعمر المحل في في في مر الم 575/07 د المراجع المجموع مرمز مارد و ور 574/07 29 معمر بحص مور مروم را تعور الم الم الم الم الم الم الم 573707 25 مست المر على معمد محمر المحر المحر الم 572-107 571/67 556/07 28 Sein Can What find and in it 557/07 15 miles slapping with a spice 28 558/07 1 and the Birth and the all so 559/07 15 topological and 131 566/07 USLOS Las Bull Stand July 33 561/07 Che un singer of signing wing 34 562/07 563107 der weine sub it done intere 35 36 (معالمت محمد مرد مراح ، وربعدای کا حالی در 564/07 دد منطال دسمادهم فی کم جنوب محمد عالی ا 565/07 , 6/ 2 1 2 2 2 2 2 2 2 2 2 2 38 566/07 567/07 29 della marke in a fin a line of a same an entry a bab of to 568/ 57 569/07 Tour en in an in the service file 50/07 537/07

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Stor Strange and so to 3 محتذ إصلاح متعدم سر بعداران مردر دادند ، ماليد (مال) خدارات والدرد الاس المراس المراس المراس المراس المراس المراس المراس المراس المحروا ترقي لمفتر حياتكا ا محسر المادر مدور فرود فرار الم 13 MY 8.3 ليهاد ساعوس المرام رام مسل - المانجان 13 الجارج رويوز (تا مغل رقمن رمريك (3) علادالحرن مدسون الشرل مدار المصافقة موران الموجد ملان قری ای اور می ولای از راده اه مراده ا ومالك مورصيا معلم المرجرى م المعظل فر وروال مراقع مراحر) فرار مان <u>کارور</u> وولان المرافع المسالم المراجع المراجع مناحرن 2 را مطان المم را المراج . 12:05 -1, (Ta) "het-The west all of the 1056 for the 10140 لبر من فرائل دون مديرار 231 SHISI ردم نغم النبر تجيم درد العم النبر تدرد ا any and stan in the sur fur the الأو في فيرام رامان الشر خرابي ما من مرابع (۱۱) مرجد لمكر المسيطان (۱۱) ۱۱) مرجد لمكر المسيطان (۱۲) ۱۱) مرطلا مطرا لمدالما آر قراط 105 que 105 ارز وم مرراكم وم ارامن ومن علام أسعاد ور فل معاد الذر و 1503 ر محاجر (ز المار دون مراجع من مارد المراجع ا مراجع المراجع الم مراجع المراجع ا مليون در الحرى محركات الالا الا المراد ور الديم الري رومال على أو المواجعة عد عد الم الكروع فالمحفل المر الموالع والمحق جدار الم الم الم الم الم الم escher and الای تعدار موارد ارد) いび مرد " بالمودروار دهد الم المسالية من مرد ورد A jale Be) all فمراصر والرتحا ويري المم الرال (الى ترق الم والمر مر الم 1 Desto in the second and and and and יד האנדיטון אנריטיקיות אוג in the and the first and of the on the פינוצי האריינו היא בשא מדי א לא בעיוו צוין (co) Briending (as) ارتدامه فلام وعاوال فر و 1593 مر المرادان (B) I ME MAN AND of man the poor 189 والتراصل ومرترك Upplety will aring still (, J) والى مارتد فران المراج 1 La Langer and alles A. m A BALL AND AND ADDER AND

1) ano, aparto a cardo si allado sign احل مارا معلم ، وعد المان الذي مرا مان عرب الدين إلى المالين احل مارك عطم ، وعد المان الذي مرا مان عرب المراب المحام من منه المالي منا را الى منا را الى منا را الى من المراب المحام من المراب المحام من المراب المحام من المراب المحام منه المراب المراب المراب المراب المراب المراب المحام المراب المحام المراب المحام المراب المحام المراب المحام ال Totologica for the good and for the constant Indivole July 1 2 to fair our of Sinder of the construction of the alound of the ISHO/ Curtt المل جواريس . 12.9.07 Sil all Titte The The Start of the Star ML CASS CHE USE WANT TO THE TO المحرفي محمد علم المرابع ورائع الملك والمقل الم مرال الم 137) 37 DNA 29 7 3 137) 37 DNA 410 107 A 2000 5 5 7 1 - 49 الف وتن جوال المراجي ولى المراجي (10). الف وتن جوال المعن المراجي المراجي (10)

وبسم الله الرحمن الرحيم ISLAMABAD HOSPITAL AN INSTITUTE OF MEDICAL SCIENCES G-8/3, ISLAMABAD Your Ref. No. 011972 Date 13/10/2012 Our Ref.No. ____137.4 To whom it may concern It is stated that my patient Muhammad Alisan sto Musiaminad Sadig was suffering from post traumatic district distribution, but with due course of treatment me is free of this psychological milment since 28/4/2009 to date M. Ahsan is medically fit for 000. any kind of MEDICAL OFFICER Pakistan Institute of Modical Sciences Islamabed

بسم الله الرحمن الرحيم ISLAMABAD HOSPITAL **ISTITUTE OF MEDICAL SCIENCES** G-8/3, ISLAMABAD Your Ref. No. COTU32 Date 24 4 2009 Our Ref.No. 731 TO WHOM IT MAY CONCERN to contify that my patient 4-Muhammind Ahsan Sp. M. sapling suffered a post mounter distriss disarder secondary to a bomb blast which occured in N. I. Khan, daled 22/7/2007 for which he was undergoing medical. tuctoment, but because of his clisters : he is not alle to perform this deties with full correctionly, due to upealed admission in P.J.M.S. hospital fey his ailment tak stan institute of Medical

از دفتر DSP سركل بردا، در داساعيل خان بخدمت جنابDPO صاحب ڈیرہ اساعیل خان 5-5-09 Jul 649-P عنوان: فأش ريورف يحكم فدائلو بري برخلاف كتسمين محداحسن نمبر 2587/FRP <u>د مره اساعیل خان بابت غیر حاضری</u>

جناب غالى!

illas.

cynorie Mai Dara Isotta M

ا معروض ول كدفاك تحكمانه كارداني برخلاف كنستيبل محداحتين 2587/FRP د ي آكي خان سابقه ... SDPO احسان اللدخان بسيرجارج مين مي ، ملاحظه موكريايا كميا كمنسليل فحداجسن 2587/FRP دوران تعييز تي بمقام پولیس لائن مورجہ 31.12.07 تا 01.04.08 اور 09.04.08 تا جال بغیر کسی اجازت یا رخصت نے غیر حاضر مواجس ير 12.06.08 كوشوكار نوش تقسيم كما كماليكن جواب ندديا جس برسابقد SP/FRP محد اشرف خان مذكوره كے نام جارت شيث اور شيمن آف ايليكيش بحواله نمبر 1900/FRP - 1899 مورخه 10.08 فإ جزى ی۔ کی ۔ کفایت اللہ خان SDPO ہیڈ کوارٹرز انگوائری افسر مقرر کردیا جس نے بالتا عد دیکھاینہ انگوائری کا آغاز کرلیا بقشمتی ے دہ خود کش دھما کہ بیں شرید زخمی ، دیے اور انکوائر ی فائل مزید تعمیل کیلیے احسان اللہ خان سابقہ O S D کے اسب کو مارك بونى-احسان اللدخان SDPO سے بخص يكن ب

با قاعد، انکوائری کی تحبیل کیلئے اور آئندہ صورتحال کے بار لے جنائق معلوم کرنے کیلئے میں لنے ذکل ہے گواہان طلب کتے جبکہ کنٹیل محداحسن 2587 بار بارطلی کے باد جوددیدہ دانستہ جاضر ہیں آر ہاجس کو میں نے طلب کرنا مناسب نہیں شمجھاادر بے جاوفت کا ضیاع تصور کیابدیں دجہ اس کی غیر حاضری میں کاروائی عمل میں لائی گئی ہے۔ محمدوسيم ولدمجمه ابراتيم سكنيه شابجهان ثاؤن كينت محمدصادق والدازين ليشيبل مجمراحسن -2

> عبدالفيوم جوشير ككرك SRC وفتر SF/FRP دريره اسماعيل خان -3

> > سیدرسول محرر FRP ذیرہ اساعیل خان _4

محدد بیم سے بیان کے مطابق کنسٹیل محداشن 2587 پرفائش نوٹس نمبر 8.11.9/26 - 148/ مذکورہ اس کا چچازاد ہے، تیل ہے ^{مطلع} کردیا ہے۔ لیکن بم دھما کہ میں ذخمی ہونے کی دجہ سے مزید طاز سن کر <u>نے کیل</u>ے

تیارنہیں ہے اور دیڈہ دانستہ حاضر نہیں ہوتا ہے

حاجی محمد صادق دلد سرفر از سَنَسْتُ بهجهان ثاؤن کیننے والد از ان کنشیل محمر احسن کا بیان لیا گیا ہے جس نے بتایا کہ بسراش بم دھا کہ میں زخمی ہو ہے ملہ زمت کرنے کیلیے تیار بیل ہے وہی آثاراس کے ذِبن پر بد سور موجود ہیں مزید دیرہ دانستہ حاضر نہیں ہوتا ہے۔

عبدالفیوم SRC کابیان یا گیا جس نے بتایا کہ تشیل محد احسن 7255 نے شوکاز در چار ج شیٹ دصول کئے ہیں جن پراس کے دستخط موجود ہیں لیکن تہ حال جواب داغن نہیں کی ہے۔ 258.07 کو بحرتی شد ہے نریننگ کیلیے بھیجا گیا تھالیکن ہسٹری شیٹ متعنقہ سنٹر ہے موصول نہیں ہواہے بار باراطلاع یا بی کے باد جودڈیوٹی پر حاضر نہیں آتا بم دھا کہ میں زخمی ہواہے بدین دہنہ ملاز مت کیلئے تیارنہیں ہے۔

سيدرسول محرر FRP لائن ذيره اساعيل خان كابيان ليا گيا جس في بتايا كه شيل محداحين 783 بحواله مد نمبر 6، روز نامچه 31.12.07 كوغير حاضر ہوا بحواله مد نمبر 80 روز نامچه 01.04.08 كوحاضر آيا پھر بحواله مد نمبر 22 روز نامچه 09.04.08 غير حاضر مواجو تا حال بد ستور غير عاضر ہے۔فائل پر نقلمد ات موجود ہيں۔ عاليجاہ! كنسبيل محداحتن 2537/FRP يويس لائن بم دھا كہ ميں زخمی ہوا خااب حت يا ب

جواب کیکن مزید مذرمت کیلئے تیار نہیں ہے بدیں وجہ بد سنور غیر حاضر رہا ہے اس کی غیر خاضری بلا جواز ہے۔ گواہان کے بیانات سے اس امر کی تائید ہوتی ہے کہ مشیل مذکر رہ کو بخو بی جلم ہے کہ وہ غیر حاضر سے دند توجو ب دے کر کوئی عذر بیش کیا ہے نہ ہی ملازمت کیلئے حاضر ہونے کی کوئی امید ہے۔

المذاميري تجويز بيرب كرديد درانسته غير حاضري الدمور خد 2.07 (. 31 تا حال بل جواز بإكرينا تنخواه کے ساتھ ہی مذکورہ وُنگمہ فورس سے علیجدہ کئے جانے کا حکم صا درفر ویا جاد ہے۔

ا محر دی ایس - پی مرکمت بردان ۱ محر دی ایس - پی مرکمت برداز

Sir, May issue find Show Causioni

MANIST FAIL

FINAL SHOW CAUSE NOTICE

I, <u>ASIF JAN KHAN, Superintendent of Police, FRP, DIKhan</u> as competent authority under the NWFP, removal from service(Special Powers) Ordinance-2000 (Amendement 2005), do hereby served you <u>Constable Muhammad Ahsan No.2587/FRP</u>, as follow :-

Muhammad Ismail Aliz

(i)That consequent upon the completion of enquiry conducted Advocate High Court against you by the Enquiry Committee/ Officer for which you were Dera Ismail Khan given opportunity of hearing vide this office communicator No.1899-1900/ FRP, dated 29.10.2008.

(ii) on going through the findings and recommendation of the enquiry officer, the material on record and other connected papers including your defence before the said committee

l am satisfied that you have committed the following acts/omissions specified in section-3 of the said ordinance.

While Posted in FRP, Police Lines DIKhan, absented yourself from law-full duty with effect from **31.12.2007** to **1.04.2008**, and similarly with effect from **9.4.2008** to till date with-out any leave or permission from your seniors.

This act on your part reflect lack of interest towards the performance of official duties, which is punishable under the rules.

2. '

3.

As a result thereof, <u>I ASIF JAN KHAN, Superintendent of</u> <u>Police, FRP, DIKhan</u> as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment U/S 3 of the said ordinance.

You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within 7-days of its deliver, in the normal course of circumstances. It shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

> Superintendent of Police, FRP,DIKhan Range,DIKhan

The copy of finding of the Enquiry Officer is enclosed.

<u>ORDER</u>.

This Order is simed to dispose off the d Departmental enquiry conducted against Constable Mohammad Ahsan No.2587/FRP, on the charges that while he was Posted in FRP Police Lines DIKhan, he absented himself from law-full duties with effect from 31.12.2007 31.12.2007 to 1.4.2008 and from 9.4.2008 to till date, with-out any leave or permission.

The defaulter Constable was served with charge sheet/ Statement of allegation and en Enquiry was order to be conduct into the matter through Mr: Sana-Ullah Kaan DSP/Prova, DIKhan. The Enquiry Officer in his find ing stated that the defaulter Constable is found guilty of the charges leveled against him and enso recommended him for major Funishment i.e removal from service and his absence period be treated as leave with-out pay. He was served with Final Show Cause Notice but he has not submitted is period said Final Show Cause uptill

In the light of above, <u>I ASIF JAN KHAN</u>, <u>SUPERINTENDENT OF OLICE, FRP</u>, <u>DIKHAN RANGE</u>, in exercise of Powers, Conferred upon me under the NWFP Removal from Service (Special Powers) Ord: 2000, amendment act-2005 award the defaulter Constable Mohammad Ahsan No. 2587/FRP, <u>major Punishment</u> of Remove from service from the date of absence i.e 9.4.2008 and his Period of absence with effect from 31.12.2007 to 1.4.2008, is treated as leave with-but pay.

OB No

Superintendent of Police, FRP, DIKhan Range, DIKhan,

بحضور جناب والامثان انسبكثر جزل آف يوليس صاحب خيبر يختون خواه يشاور عنوان: درخواست بحالی ملازمت (رحم کی اییل)

جناب عالى!

گزارش بحضورا نوریہ ہے کہ بین محکمہ پولیس FRP میں سال 2007 میں بھرتی ہو کرفرائض سرانجام دے رہاتھا۔ یہ کہ برائے مزید ناپ تول پولیس لائن ڈیرہ اساعیل خان میں نز د OASI معہ دیگر عملہ موجود تھے۔ کہ اچا تک پولیس لائن .2 ے اندرز وردار دھا کہ ہوکرتقریباً سرکاری سطح پر 12 پولیس افسران شہید جبکہ 60 کے لگ بھگ شدید دخمی ہوئے۔اور پرائیویٹ آنے والے لوگوں میں کافی ذخمی ہوئے۔ جس کی FIR نمبر 341 مورخہ 15.7.07 جرم 109//324/353/7ATA/3Exp: تپ تھاند کینٹ ریکارڈ پرموجود ہے۔

3. اس دھا کہ میں اتنا دھا کہ خیز مواد استعال ہوا تھا۔ کہ اکثر مصروبین د ماغی سطح پر ادسان کھو بیٹھے۔اور علاج معالجوں کے چکروں میں کئی ہپتالوں میں زیر علاج رہے۔اورا کثر نوکری کے قابل نہ رہے۔

4. جبکہ میں بھی انہی بدقسمت افراد میں تھا۔ کہ دھا کہ کی شدت سے ڈبنی دباؤ ، امراض کا شکار ہوا۔ اورعلاج معالجہ کے چکروں میں PIMS ہپتال اسلام آباد میں زیر علاج رہا۔ جسکی دستاویزی اسنادہمراہ لف ہیں۔

5. جونہی علاج معالجہ سے فارغ ہوا۔ تو معلوم ہوا۔ کہ محکمہ والوں نے بجائے میری حوصلہ افزائی کے مجھے نوکری سے ختم کرڈ الا۔ جس سے میری ذہنی امراض میں مزید اضافہ ہوکراب قد رہے صحت یاب ہوا ہوں۔

6 دوران تحکمانہ کاردائی مجھے آگاہ تک نہ کیا گیا۔اور نہ کوئی چارج شیٹ وغیر ہفتیم ہوئی۔اور نہ ہی باز پُرّس ہوئی۔اور بلا وجہ بجائے حوصلہ افزائی یا تعریفی اساد وغیرہ یا علاج معالجہ کی سہولت کے مجھے خواہ مخواہ ملازمت سے فارض کر کے انتہائی ظلم عظیم ہوا ہے۔جس کا از الہ اسی درج شدہ اپیل کی صورت میں واضح ہو کر مزید نہ رہا ہے۔ مجھےا پنی ملازمت پر سابقہ مراعات کے ساتھ بحال فرمایا جائے۔ عین ماتحت پر دری ہوگی۔

فقط مورخه 18.10.12

العارض ا يكس كنشيبل محداحين نمبر 2587/FRP دُيرِه اساعيل خان

رابطنمبر:0334-9138595

Addl: IGP/Commandant, Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar.

Superintendent of Police FRP, DIKhan Range,

EC dated Peshawar the. 06 / 03 /2013.

APPEAL FOR RE-INSTATEMENT IN SERVICE

Memo: -

Subject:

From: -

То: -

No.

The

The

Enclosed please find herewith an appeal preferred by Ex-Constable Muhammad Ahsan No.2587 of your Range for re-instatement in service for Comments. His service record containing departmental enquiry file may also be provided to this office for disposal of his appeal.

For Addl: IGP/Commandant

Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar

<u>ORDER.</u>

This order shall dispose off on the appeal of Ex- Recruit Constable Adminiat Ismail A Mohammad Ihsan No. 2587 of FRP DI Khan Range against the order of SP FRP Dera Ismail Khan Range.

Brief facts of the case are that he absented himself from duty with effect from 31.12.2007 to 01.04.2008 and from 09.04.2008 till the date of removal from service for a total period of <u>01 year 04 months & 14 days</u> without any leave/permission of the competent authority. He was issued charge sheet/statement of allegation and DSP Sana Ullah of FRP DI Khan Range was nominated as Enquiry Officer. After enquiry, the Enquiry Officer submitted his finding and recommended the defaulter Constable for major punishment. He was issued show cause notice but he did not bother reply. Therefore, he was removed from service by SP FRP DI Khan Range from the date of absence i.e 09.04.2008 vide OB No. 315 dated 23.05.2009 while absence period 31.12.2007 to 01.04.2008 was treated as leave without pay.

However from the perusal of record and finding of Enquiry Officer there is no cogent reason to interfere in the order of SP FRP DI Khan Range. Therefore his appeal is rejected.

Addl: IGP/Commandant Frontier Reserve Police Khyber Pakhtonkhwa Peshawar

No. 2356 - 57 /EC dated Peshawar the 07 / $\frac{7}{54}$ /2013 (1) Copy of above is forwarded for information and necessary

action to the:-

 Superintendent of Police FRP DE/Khan Range w/r to his Memo: No. 383 dated 19.03.2013. His service record and Departmental Enquiry File is returned herewith.

C2. Ex-Recruit Constable Mohammad Ihsan No. 2587 s/o Mohammad Saddiq r/o Shah Jehan Shaheed Twon Saddar Bazar District DI Khan.

Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.

Service Appeal No:...1080 /2012

Muhammad Ahsan, Ex-Constl: Versus IGP/PPO, KPK etc.

(Appellant)

(Respondents)

Rejoinder to written statement.

Respectfully, the appellant very humbly submits as under: -

On Preliminary Objections:-

Assertions made by the answering respondents from paras 1 to 6 are distinctively and collectively denied being incorrect, misconceived, against the law, without any substance or proof and an effort to colour the facts. according to their own whims yet factually non-sustainable.

On Factual Objections:-

- 1. Needs no response.
- 2. The appellant relies on his averments made in corresponding para of his appeal besides law on the subject.
- 3. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- Denied being factually and legally incorrect. The appellant relies on his 4. averments made in corresponding para of his appeal. The respondents however have failed to put forth any substance in support of their averment.
- 5. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal. The procedures adopted by the respondents were in sheer derogation of the prevailing law & rules.
- 6. Denied being factually and legally incorrect.
- Denied being factually and legally incorrect. 7.

On Objections to Grounds:-

- A. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- Β. Denied being factually and legally incorrect. The Tribunal may conveniently assess the high handedness of the respondents while dealing with the case of the appellant.
- Incorrect thus denied. C.
- Incorrect yet without any footings / sustenance on part of respondents. The D. appellant also relies on his averments made in corresponding para of his appeal.

- E. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- F. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- G. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- H. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- I. Needs no comments.
- J. Needs no comments.

PRAYER:

In view of the facts and grounds, as mentioned above as well as in the main appeal, it is requested that by setting-aside the impugned orders of Respondents as prayed, declaring the same as illegal, void ab-initio, nullity in law and ultrasvirus thus of no consequence on the rights of the appellant, to kindly reinstate the appellant in service with grant of all back benefits. Any other remedy deemed appropriate by the Hon'ble Tribunal in the circumstances of the matter is solicited, too.

Humbly,

Dated. 3. /2015.

Appellant, Through Counsel.

(Muhammad Ismail Alizai) Advocate High Court

<u>Affidavit.</u>

I,Muhammad Ahsan, the appellant, affirm and declare on oath that contents of this rejoinder are true & correct to the best of my knowledge and belief and that nothing is willfully concealed or kept from the Tribunal.

Dated: 31.3 . IJ Deponent.

- E. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- F. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- G. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- H. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- I. Needs no comments.
- J. Needs no comments.

PRAYER:

In view of the facts and grounds, as mentioned above as well as in the main appeal, it is requested that by setting-aside the impugned orders of Respondents as prayed, declaring the same as illegal, void ab-initio, nullity in law and ultrasvirus thus of no consequence on the rights of the appellant, to kindly reinstate the appellant in service with grant of all back benefits. Any other remedy deemed appropriate by the Hon`ble Tribunal in the circumstances of the matter is solicited, too.

Humbly,

Appellant, Through Counsel.

(Muhammad Ismail Alizai) Advocate High Court

<u>Affidavit.</u>

I,Muhammad Ahsan, the appellant, affirm and declare on oath that contents of this rejoinder are true & correct to the best of my knowledge and belief and that nothing is willfully concealed or kept from the Tribunal.

Dated: 31.3.13

Deponent.

Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.

Service Appeal No:...1080/2012

Muhammad Ahsan, Ex-Constl: Versus

(Appellant)

IGP/PPC, KPK etc.

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(Respondents)

Rejoinder to written statement.

Respectfully, the appellant very humbly submits as under: -

On Preliminary Objections:-

Assertions made by the answering respondents from paras 1 to 6 are distinctively and collectively denied being incorrect, misconceived, against the law, without any substance or proof and an effort to colour the facts according to their own whims yet factually non-sustainable.

On Factual Objections:-

- 1. Needs no response.
- 2. The appellant relies on his averments made in corresponding para of his appeal besides law on the subject.
- 3. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- 4. Denied being factually and legally incorrect. The appeal. averments made in corresponding para of his appeal. The respondents however have failed to put forth any substance in support of their averment.
- 5. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal. The procedures adopted by the respondents were in sheer derogation of the prevailing law & rules.
- 6. Denied being factually and legally incorrect.

7. Denied being factually and legally incorrect.

On Objections to Grounds:-

- A. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- B. Denied being factually and legally incorrect. The Tribunal may conveniently assess the high handedness of the respondents while dealing with the case of the appellant.
- C. Incorrect thus denied.
- D. Incorrect yet without any footings / sustenance on part of respondents. The appellant also relies on his averments made in corresponding para of his appeal.

164 بودالي جاف باعث حرراً نك مقدمه مندرجه بالاعنوان مين ابن طرف واسط بيروى وجواج فلبط تح بيشي بإ تصفيه مقدمه يمقام المراحك فليليح Jant 1 فالرشرائط مردكما مسكرتك برويشي برتيشي مرتيشي رخود بالجرونية تغتيار خاص ووبروعد الت حاضر بوتارة ول كالدو بردقت بكارب جاف مقدمه دكس صاحب موصوف كواطلام ويكر حاضر عدالت كرون كاءاكر يشى يرمظهر حاضرت والداد مقدم ميرى فيرحاضرى كى وجدست كمح طود يريمر ب برخلاف بوكيا - توصاحب موصوف استک کی طرح و مدارند ہوں کے نیزوکس صاحب موسوف صدرمقام کجہری کے علادہ کی جگہ یا کچہری کا دقات سے پہلے پا پیچھے یا بدوتھ طس بین دی کرنے کے د مددارند بول مح - نیز وکس صاحب موصوف صدرمقام کم برک محاده می جکد یا کمجری کے اوقات سے پہلے یا پیچے یا یدو تعلیل دیروی کرنے کے ذمددارند ہول کے اور مقد مصدر کچری کے علادہ ادر جگد تاعت ہونے باہروز تعطی یا کچری کادقات کا کے پیچے بیش ہونے پرمظمر کوکوئی نقصان پنچانو اس کے ذمہ داریا اس سے داسلے کی معادمہ سے ادا کرنے یا مخاند داہل کرنے سے بھی موسوف ڈمددار نہ ہوں کے - جمع کوکل ساخت پر داخت ماحب موسوف مش کردہ ذات خود مطور وتحول موكار اورصاحب موصوف كومرضى دمولى ما جواب دموئ باورخواست اجرائ فركرى ونظرتانى ابتل تكرانى وجرم دوخواست يرد يتخط وتصديق كرف می افتیار ہوگا۔ادر کمی بھم یا ڈکری کرانے اور جرشم کا روپیدوسول کرنے اور دسید دینے اور داخل کرنے اور جرم سے بیان دینے اور اس پر تالتی یا راضی نامد و فیصلہ بر طف كرف، اقبال دعوى كابحى اعتمار موكاراور يصورت مقرر موت تاريخ فيشي مقدمه فدكوره ييردن از يجهري صدر بيردي مقدمه فدكور فظرتاني دائيل دعمراني وبرآها مقدمد يامنسونى ذكرى يحطرف يادد خواست يحمم اقتاحى ياقرتي بأكرفلرى فخل از فيصل اجزائ فأكرى يحى صاحب مصوف كوبشرط ادانيكى عليمده يخاند يبروى كاافترامه مك اورتمام ساختدم داخت ماحب موصوف شكرده ذات خود متقورة تحول موكار اور بعسورت مغرورت مساحب موصوف كويجى القتيار موكا كرمقد مدكوره بالسكر كم جزو كىكاردانى بابصورت درخواست نظرتانى ايمل بايحرانى باد تكرمعا لمدعد مدتدكور كمى دومر ... وكل يا يرمزكوا ب بيجر باب ترام مقردكرين اددا يست مشيرة الون كو می ہرامر میں وہ اور دیے الاتیانات حاصل ہول کے، بیسے صاحب موسوف کو ماصل میں ، اور دوران مقد شرع بر جاند التواء بردیکا ، دہ صاحب موصوف کاش بوکا گرماحب موصوف کو بودی فیس تاریخ بیشی سے بہلےادا ند کروں کارتو ساحب موصوف کو بودا اختیار موکا کدو متقد مسک وردی ندکر می ادرالی صورت من مراكوتي مطاليه مي مم كاسلاب موصوف ، مرطاف تبس موكا. لهذاوكالت نامدكمعد بإسب تاكر سندرس ·2013 - 1 1 27 - 30 مضمون دكالت نامة أن لياب ادراجي طرح سمجوليا ب ادر مخط Ind -Accephi ° ∘ra i∠

- E. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- F. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
- G. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
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- I. Needs no comments.
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Humbly,

Appellant, Through Counsel.

1 h z (Muhammad Ismail Alizai)

Advocate High Court

Affidavit.

s,

I,Muhammad Ahsan, the appellant, affirm and declare on oath that contents of this rejoinder are true & correct to the best of my knowledge and belief and that nothing is willfully concealed or kept from the Tribunal.

Dated: 31.3.13

Deponent.