01.07.2022

Counsel for the appellant present. Preliminary arguments heard and record perused

Points raised need 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, notices be issued to respondents for submission of written reply/comments. To come up for come up for written reply/comments on 18.08.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee
6/7/22

Counsel for the appellant submitted an application for condonation of delay in the appeal which is accepted.

(Fareeha Paul)
Member (E)

18.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 10.10.2022 before S.B.

(Mian Muhammad)
Member (E)

22.02.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.

Reader

18.05.2022 Learned counsel for the petitioner present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 22.06.2022 before S.B.

(Mian Muhammad)
Member (E)

22nd June, 2022 Junior to counsel for the appellant present.

Junior to counsel for the appellant seeks adjournment due illness of father of the learned senior counsel. Last opportunity is granted to the learned counsel for the appellant. To come up for preliminary hearing on 01.07.2022 before S.B

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7566 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2021	The appeal of Mr. Sher Bahadur presented today by Mr. Mir Zaman Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on 13/12/21. CHAIRMAN
	13.12.2021	Appellant in person present. Appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 22.02.2022 before S.B. (MIAN MUHAMMAD) MEMBER (E)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 7566 /2021

SHER BAHADAR VS POLICE DEPTT:

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4	Impugned order	B	13.
5	Departmental appeal	C	14.
6	Appellate order	D	15- 16.
7	Revision petition	E	17.
8	Rejection order	F	18
9	Vakalat nama	.....	19.

APPELLANT

THROUGH:

MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO._____/2021

Mr. Sher Bahadar, Ex-Constable No.2289,
Police Lines, Mardan. .....APPELLANT

VERSUS

1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2- The Regional Police Officer, Mardan Region, District Mardan.
3- The District Police Officer, District Mardan.

.....RESPONDENT

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10.06.2020 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDERS DATED 06.08.2020 & 08.06.2021 WHEREBY DEPARTMENTAL APPEAL & REVISION PETITION OF THE APPELLANT HAVE BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this service appeal the impugned orders dated 10.06.2020, 06.08.2020 & 08.06.2021 may very kindly be set aside and be re-instated the appellant into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:
ON FACTTS:

1- That the appellant was the employee of respondent Department and was serving as constable quite efficiently and up to the entire satisfaction of his superior.

2- That during service the appellant had become seriously ill and when the appellant approached the Doctor for medical treatment, the Doctor concerned advised complete bed rest to the appellant till recovery from the said illness. Copies of the medical prescriptions are attached as annexure.....A.

3- That after recovery from the said illness the appellant approached the concerned authority for rejoining of his duty but the authority concerned handed over the impugned order dated 10.06.2020 whereby major penalty of dismissal from service has been imposed on the appellant. Copy of the impugned order is attached as annexure.....B.

4- That appellant feeling aggrieved from the impugned order dated 10.06.2020 preferred Departmental appeal but the same was rejected by the appellate authority on 06.08.2020. Copies of the Departmental appeal & appellate order are attached as annexure.....**C & D.**

5- That the appellant also feeling aggrieved from the impugned appellate order dated 06.08.2020 preferred revision petition before the respondent No.1, but the respondent No.1 rejected the same vide order dated 08.06.2021 on no good grounds which was communicated to the appellant on 04.08.2021. Copies of the revision petition & rejection order are attached as annexure.....**E & F.**

6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUNDS:

A- That the impugned orders dated 10.06.2020, 06.08.2020 & 08.06.2021 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.

C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned orders dated 10.06.2020, 06.08.2020 & 08.06.2021, therefore, the same are not tenable in the eye of law and liable to be set aside.

D- That no absence notice has been served on the appellant before issuing the impugned order dated 10.06.2020.

E- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 10.06.2020 which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.

F- That no regular inquiry has been conducted in the matter before issuing the impugned order dated 10.06.2020 which is necessary as per judgment of the Superior Court before taking punitive action against the civil servant.

G- That no chance of personal hearing/defence has been provided to the appellant before issuing the impugned order dated 10.06.2020.

H- That absence of appellant was not willful but due to cause illness, therefore, the impugned order dated 10.06.2020 is not tenable in the eye of law and liable to be set aside.

I- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT
Sher Bahadar
SHER BAHADAR

THROUGH:
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.

DEPONENT

LIST OF BOOKS:

1- CONSTITUTION OF PAKISTAN, 1973
2- SERVICES LAWS BOOKS
3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

SHER BAHADAR VS POLICE DEPTT:

AFFIDAVIT

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

DISTRICT HEAD QUARTER HOSPITAL, MARDAN

800

DISCHARGE SLIP

(6)

Name of Ward: Male orthopaedic ward

Patient's Name: Sher Bahadar	Father's Name: Hazrat Gul
Age: 35 years	Weight: 50 kg Sex: Male
Adm. No: 346/39	Bed No: 13
Date of Admission: 4-12-2019	Date of Discharge: 13-12-2019
Diagnosis: Lumbar Spine (LBP) Rt. Sciatica	Condition of Discharge: Normal

TREATMENT IN HOSPITAL	INVESTIGATION
1. I/V Cannula	X-Ray L-Spine
2. Inj. Velosef OD	[illegible]
3. Inj. Toradol OD	HCV
4. Inj. Voren OD	HBsAg
5. OD	MRI
6. Inj. Rivte OD	[illegible]
7. Inj. Pladex OD	
8. OD	
9. Inj. Flagyl	
10. Inj. [illegible] OD	

COUNTERSIGNED

Medical Superintendent
D.H.Q Hospital, Mardan

TREATMENT FOR HOME

1. Tab. Augmentin DS
2. [illegible] ①
3. Tab. Voren SR
4. Cap. Omega 40
5. [illegible] ①
6. Tab. Surbex-Z
7. [illegible] ①
8. Syp. Motilium
9. Syp. Tresorta
10.

Advised complete bed rest for [illegible] days

ATTESTED

Doctor's Signature with stamp

دس یوم/ایک ماہ بعد OPD میں تشریف لائیں

OUT-PATIENTS DEPARTMENT

NAME ..... S/O .....

YEARLY NO 15392

DATE 4-12-2019

DISEASE Lumbar Spin LBP

At Leg Sciatica

PAGE VALUE RUPEES (7)

Inj Mo

Admit Male orthopaedic ward

ATTESTED

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

OUT-PATIENTS DEPARTMENT

PAGE VALUE RUPI

NAME [illegible]

YEARLY NO 12234

DATE 14-2-2020

DISEASE [illegible] LBP
Rt Leg Sciatica

R/

Tab. Avalo
1+1 8 day

Tab. [illegible]
1+1

Tab. Surbex-Z
OD

Cap. Neuro
OD

Sup. [illegible]
1+1

Sup. [illegible]
1+1

Avoid [illegible] have bed rest
one month

COUNTERSIGNED
Medical Superintendent
D.H.Q. Hospital, Mardan

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

OUT-PATIENTS

NAME

YEARLY NO 362-96

DATE 15-

DISEASE

PAGE VALUE RI 9

COUNTERSIGNED

Medical Superintendent
D.H.Q Hospital, Mardan

ATTESTED

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

OUT-PATIENTS DEPARTMENT

NAME .....

YEARLY NO .....

DATE 16-4-2020

DISEASE .....

PAGE VALUE RUPI 10

COUNTERSIGN

Medical Superintendent
D.H.Q Hospital, Mardan

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

OUT-PATIENTS DEPARTMENT

NAME ....

YEARLY NO 29672

DATE 17-5-2020

DISEASE Lumbar Spine pain LBP
Rt Leg Sciatica

PAGE VALUE RUPI

R/ -

Tab. ....
1+1 ....

Tab. Nims
1+1

Tab. Vilbal
1+1

Syp. Mosegor
1+1

Syp. Normacid
1+1

Advised complete bed rest w.e.f 17/5/2020 to 7/6/2020

ATTESTED

COUNTERSIGNED
Medical Superintendent
D.H.Q Hospital Mardan

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

OUT-PATIENTS DEPARTMENT

NAME شیر بہادر ولد حضرت گل

YEARLY NO. 12307

DATE 10-6-2020

DISEASE

Fitness Certificate

COUNTERSIGNED

Medical Superintendent
D.H.Q Hospital, Mardan

Certified that I have examined Mr. Sher Bahadar S/O Hazrat Gul today on 10/6/2020.

He is now fit to resume his duty.

ORTHOPAEDIC SURGEON
D.H.Q. Hospital Mardan

10/6/2020

(W)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

B-13

2020

No. 2564-66 /PA Dated 10/6/2020

ORDER ON ENQUIRY OF CONSTABLE SHER BAHADAR NO.2289

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Takht-Bhai, (Now Nakabandi Katlang Interchange), proceeded against departmentally through Mr. Shakil Ahmad DSP/HQrs Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.520/PA dated 26-11-2019, on account of absence from duty without any leave/permission of the competent authority vide DD No.06 dated 03-11-2019 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.68/HQrs dated 17-02-2020, recommending the alleged official for major punishment.

In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.18/PA dated 24-02-2020, through his brother Muhammad Nabi on 24-03-2020, to which, his reply was due to reach this office within (07) days, but neither has he submitted his reply nor assumed duty till-date.

Final Order

Constable Sher Bahadar was called for O.R on 09-06-2020, but he didn't appear before the undersigned, meaning that he is not interested in Police Service, therefore, awarded him **major punishment of dismissal from service with effect from** 03-11-2019 with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 928
Dated 09/06/2020.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

1) The SDPO Katlang.
2) The P.O & E.C (Police Office) Mardan.
3) The OSI (Police Office) Mardan with ( ) Sheets.

ATTESTED

بحضور جناب ڈسٹرکٹ پبلک پراسیکیوٹر صاحب مردان و بجس

C - (14)

کیس نمبر اپیل برخلاف حکم مورخہ 10.06.2020

جناب عالی!

سائل حسب ذیل عرض گزار ہے۔

1۔ یہ کہ سائل حکم بالا سے بسلسلہ ڈیوٹی مردان میں مزاالنفس سرانجام دے رہا تھا۔ کہ دوران سروس سائل کو شدید بیماری لاحق ہوئی اور اٹھنے بیٹھنے سے قاصل ہوگیا۔ جس کی وجہ سے سائل اپنی ڈیوٹی باقاعدہ طور پر سرانجام دینے سے بھی قاصر رہا۔ سائل نے DHQ ہسپتال مردان سے علاج معالجہ شروع کیا جس میں ڈاکٹر صاحب نے سائل کو مکمل آرام کرنے کا مشورہ دیا۔ کیونکہ اختیاری جب سائل نے اپنے متعلقہ سٹیشن پر حاضری کی تو حکام بالا نے سائل کو برخاستگی آرڈر مورخہ 10.06.2020 جاری کیا۔ سائل کا تعلق ایک نہایت غریب گھرانے سے ہے اور نوکری بالا کے علاوہ کوئی دوسرا ذریعہ معاش نہیں ہے۔ اور سائل نوکری سے غیر حاضری کی وجہ سائل کی بیماری تھی۔

لہذا استدعا کی جاتی ہے کہ سائل کو بعوض تمام گزشتہ مراعات نوکری پر دوبارہ بحال کرنے کے احکامات صادر فرمائے جائے۔

29/6/2020

Sherbahadar

سائل شیر بہادر کانسٹیبل نمبر 2289

بجس پراسیکیوشن مردان

D-15

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Sher Bahadar No. 2289** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 928 dated 09.06.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Takht Bhai, Mardan absented himself from his lawful duty without any leave/permission of the competent authority vide daily diary No. 06 dated 03.11.2019 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarters, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he opined that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended him for major punishment of dismissal from service.

He was issued Final Show Cause Notice, through his brother Muhammad Nabi on 24.03.2020, but neither did he submit his reply nor did he assume the duty.

The delinquent Officer was called in Orderly Room held on 09.06.2020 by the District Police Officer, Mardan. But he failed to appear. Consequently, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 928 dated 09.06.2020 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 04.08.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he was called in Orderly Room held by the District Police Officer, Mardan but he failed to appear in Orderly Room which clearly depicted that he had nothing to justify his absence. Prior to this, the appellant had also remained absent for a period of

ATTESTED

(16)

461 days on different occasions without proper leave or permission from the competent authority. He had been earlier punished on account of his absence. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, **I, Sher Akbar, PSP S.St Regional Police Officer, Mardan,** being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

Regional Police Officer,
Mardan.

No. 4802 /ES, Dated Mardan the 06-8- /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 232/LB dated 22.07.2020. His Service Record is returned herewith.

(*****)

BETTER COPY

18

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
No.S/2431/21, dated Peshawar the 08.06.2021

ORDER

This order is passed to dispose of Revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended, 2014) submitted by Ex-FC Sher Bahadar No.2289. The said constable dismissed from service by District Police Officer, Mardan vide OB No.928, dated 09.06.2020 with the allegation that he while posted at Police Station Takht Bhai absented himself from duty since 03.11.2019 till the date of dismissal from service i.e. 09.06.2020 for a period of 07 months & 06 days. His appeal is rejected by the Regional Police Officer, Mardan vide order Endst: No. 4802/ES, dated 06.08.2020.

Meeting of appellate Board was held on 22.04.2021 wherein petitioner was heard in person and he was submitted that he was ill.

Perusal of record reveals that the petitioner remained absent for long period of 07 months & 06 days. His petition is also time barred. The Board see no ground and reasons for acceptance of his revision petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

ATTESTED

بخدمت جناب آئی جی پی خیبر پختونخوا پشاور

E-17

درخواست برخلاف آرڈر مورخہ 6.8.2020

جناب عالی! فدوی ذیل عرض رسان ہے۔

1: کہ فدوی بورڈ کانسٹبل مردان میں نرکش سرانجام دے رہا تھا۔ کہ دوران سروس فدوی کو بیماری لاحق ہوئی جس کی وجہ سے فدوی ڈیوٹی سرانجام دینے کے قابل نہیں رہا۔

2۔ جب فدوی بیماری سے صحت یاب ہوا تو دوبارہ ڈیوٹی پر حاضر ہوا لیکن متعلقہ حکام نے فدوی کو نوکری سے بمورخہ 10.6.2020 کو برخاست کردیا تھا۔ جس کے خلاف فدوی نے محکمانہ اپیل جناب ریجنل پولیس آفیسر صاحب مردان ریجن کے روبرو جمع کیا لیکن وہ بھی بمورخہ 06-08-2020 کو خارج کردیا گیا۔

اس لئے آپ صاحبان سے استدعا ہے کہ سائل کی بے بسی کو مدنظر رکھتے ہوئے دوبارہ نوکری پر بحال کرنے کے احکامات صادر فرما کر مشکور فرمائیں۔

العارض

8-10.2020

شیر بہادر

کانسٹبل نمبر 2289

مردان پولیس

Shar Bahadar

F. (18)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 2477 /21, dated Peshawar the 08/06/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) submitted by Ex-FC Sher Bahadar No. 2289. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 928, dated 10/6/2020 on the allegations that he while posted at Police Station Takht Bhai absented himself from duty with effect from 09.06.2020 (date of dismissal from service i.e. 09.06.2020) for a period of 07 months & 06 days. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 4802/ES, dated 06.08.2020.

The case of Appellate Board was held on 22.04.2021 wherein petitioner was heard in person. He stated that he was ill.

Perusal of record reveals that the petitioner remained absent for long period of 07 months & his appeal is also time barred. The Board see no ground and reasons for acceptance of his petition. The Board decided that his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2478-84 /21.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and Fauji Missal of the above named Ex-FC received vide your office Memo: No. 357/ES, dated 21.01.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(IRFAN ULLAH KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

VAKALATNAMA

BEFORE THE Khyber Pakhtunkhwa Service Tribunal Peshawar

_____ OF 2021

Sher Bahadar _____ (APPELLANT) (PLAINTIFF) (PETITIONER)

VERSUS

Police Deptt: _____ (RESPONDENT) (DEFENDANT)

I/We Sher Bahadar

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated._____/_____/2021

Sher bahadar

CLIENT

ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:
Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295

GS&PD.KP-1621/[redacted]000 Forms-05.07.17/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

APPEAL No. 7566 of 20 21

Sher Bahadar

Apellant/Petitioner

Versus

The I.G.P KPK Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Respondent No. 1 the Inspector General of Police Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18/8/22 at 9 a.m.

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.

Copy of Appeal is Attached for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

2-8-22

BEFORE THE COURT SERVICE TRIBUNAL PESHAWAR

CM No. _____ /2022
In

Appeal No. 7566/2021

Sher Bahadar **Versus** **Police Department**

APPLICATION FOR CONDINATION OF DELAY IN THE ABOVE MENTIONED APPEAL.

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this august tribunal which is fixed for hearing today on 01.07.2022.

2. That the aforementioned appeal filed by the appellant against the impugned orders dated 10.06.2020, 06.08.2020 and 08.06.2021.

GROUNDS OF CONDONATION :-

1. That the impugned order is vide illegal and against the law. Because the impugned order passed by the respondents without mandatory provision of law and from retrospective date. So no limitation would run against vide order. (2007 SCMR 834, 2001 SCMR 1822 and Service Appeal 562/2016 title Rahim Ud Din Versus IG Police).

2. That due to severe illness the appellant could not approached the august Service Tribunal within the stipulated period.

3. That delay in filing Service Appeal is neither intentional nor deliberate, but due to cause the above mentioned illness of the appellant.

It is therefore, most humbly requested that on acceptance of this application for condonation of delay in filing above mentioned Service Appeal may very kindly be condoned and as such the aforementioned Service Appeal be decided on merit rather than limitation.

Dated **01/ 07/2022**

Appellant

Through

Mir Zaman Safi
Advocate High Court Peshawar

BEFORE THE COURT SERVICE TRIBUNAL PESHAWAR

CM No. _____ /2022
In

Appeal No. 7566/2021

Sher Bahadar Versus Police Department

AFFIDAVIT

I, Mir Zaman Safi Advocate on the instruction and behalf of my client do hereby solemnly and declare that the contents of the above application are true and correct to the best my knowledge and belief.

Mir Zaman Safi
Advocate High Court Peshawar

ATTESTED

Azmat Ali Advocate
Notary Public
Judicial Complex Peshawar

BEFORE THE COURT SERVICE TRIBUNAL PESHAWAR

CM No. _____ /2022
In

Appeal No. 7566/2021

Sher Bahadar **Versus** **Police Department**

APPLICATION FOR CONDINATION OF DELAY IN THE ABOVE MENTIONED APPEAL.

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this august tribunal which is fixed for hearing today on 01.07.2022.

2. That the aforementioned appeal filed by the appellant against the impugned orders dated 10.06.2020, 06.08.2020 and 08.06.2021.

GROUNDS OF CONDONATION :-

1. That the impugned order is vide illegal and against the law. Because the impugned order passed by the respondents without mandatory provision of law and from retrospective date. So no limitation would run against vide order. (2007 SCMR 834, 2001 SCMR 1822 and Service Appeal 562/2016 title Rahim Ud Din Versus IG Police).

2. That due to severe illness the appellant could not approached the august Service Tribunal within the stipulated period.

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It is therefore, most humbly requested that on acceptance of this application for condonation of delay in filing above mentioned Service Appeal may very kindly be condoned and as such the aforementioned Service Appeal be decided on merit rather than limitation.

Dated **01/ 07/2022**

Appellant

Through

Mir Zaman Safi
Advocate High Court Peshawar

BEFORE THE COURT SERVICE TRIBUNAL PESHAWAR

CM No. _____ /2022
In

Appeal No. 7566/2021

Sher Bahadar Versus Police Department

AFFIDAVIT

I, Mir Zaman Safi Advocate on the instruction and behalf of my client do hereby solemnly and declare that the contents of the above application are true and correct to the best my knowledge and belief.

Mir Zaman Safi
Advocate High Court Peshawar