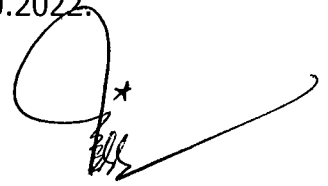


01.09.2022

Mr. Taimur Ali Khan, Advocate learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 10.10.2022.

Rs 100/-
Appellant Deposited
Security & Process Fee
6/9/22



(Mian Muhammad)
Member (E)

26.04.2022

Counsel for the appellant present.

Learned counsel for the appellant submitted an application seeking permission to allow to amend the instant service appeal. It is stated in the application that revision petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) had been submitted and it was rejected vide order dated 14.04.2022, during pendency of the main appeal. The application in question is allowed to that extent only. To come up for amended appeal as well as preliminary hearing on 14.07.2022 before S.B.

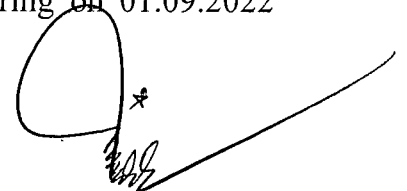


(MIAN MUHAMMAD)
MEMBER(E)

14.07.2022

Mr. Taimur Ali Khan, Advocate for the appellant present.

Learned counsel for the appellant submitted amended appeal which is placed on file and requested for adjournment. Adjourned. To come up for preliminary hearing on 01.09.2022 before S.B.



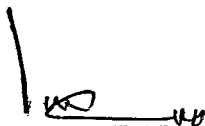



(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 186/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/02/2022	<p>The appeal of Mst. Shaista Begum resubmitted today by Mr. Attiq-ur-Rehman 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.</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>04-04-2022</u> .</p> <p style="text-align: right;">CHAIRMAN</p>
	04.04.2022 	<p>None present for the appellant.</p> <p>This fresh appeal filed on 31.01.2022 and was placed before the S.B today i.e. on 04.04.2022 with no notice to appellant and his learned counsel. Notice be issued to appellant and his learned counsel for the next date. Case to come up for preliminary hearing on 26.04.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Shah Zeb Ex-Constable no. 1837 Police Station Tarnab Charsadda today i.e. on 31.01.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Affidavit may be got attested by the Oath Commissioner.
- 5- 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.
- 6- Copy of departmental appeal is incomplete which may be completed.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 194 /S.T,

Dt. 31/01 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report were not provided to the appellant, therefore he is unable to attach with the appeal.
- 6- copy of departmental appeal is completed.
- 7- Removed

Resubmitted after compliance


21/02/2022

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Shah Zeb vs Police Deptt.

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	/	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	/	
3.	Whether Appeal is within time?	/	
4.	Whether the enactment under which the appeal is filed mentioned?	/	
5.	Whether the enactment under which the appeal is filed is correct?	/	
6.	Whether affidavit is appended?	/	
7.	Whether affidavit is duly attested by competent oath commissioner?	/	
8.	Whether appeal/annexures are properly paged?	/	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10.	Whether annexures are legible?	/	
11.	Whether annexures are attested?	/	
12.	Whether copies of annexures are readable/clear?	/	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	/	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15.	Whether numbers of referred cases given are correct?	/	
16.	Whether appeal contains cuttings/overwriting?	/	
17.	Whether list of books has been provided at the end of the appeal?	/	
18.	Whether case relate to this Court?	/	
19.	Whether requisite number of spare copies attached?	/	
20.	Whether complete spare copy is filed in separate file cover?	/	
21.	Whether addresses of parties given are complete?	/	
22.	Whether index filed?	/	
23.	Whether index is correct?	/	
24.	Whether Security and Process Fee deposited? on _____		/
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		/
26.	Whether copies of comments/reply/rejoinder submitted? on _____		/
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		/

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Taimur Ali Khan

Signature:

[Signature]

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.185/2022

Shahzeb

V/S

Police Deptt:

I N D E X

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Affidavit	-----	05
3.	Application for Condonation of delay	-----	06-07
4.	Copy of Admission & Discharge slips	A&B	08-12
5.	Copy of removal order dated 28.07.2021, departmental appeal and rejection order dated 04.01.2022	C,D&E	13-17
6.	Copy of rejection order dated 14.04.2022	F	18
7.	Copies of application and order sheet dated 26.04.2022	G&H	19-22
8.	Vakalat Nama	----	23

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

AMENDED SERVICE APPEAL NO.185/2022

Shah Zeb, Ex-Constable No.1837,
Police Station Tarnab, Charsadda.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Charsadda.

(RESPONDENTS)

**AMENDED APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED
28.07.2021, WHEREBY THE APPELLANT WAS
DISMISSED FROM SERVICE, AGAINST THE
ORDER DATED 04.01.2022, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WAS REJECTED AND AGAINST THE ORDER
DATED 14.04.2022, WHEREBY THE REVISION OF
THE APPELANT WAS REJECTED DURING THE
PENDENCY OF SERVICE APPEAL.**

PRAYER:

**THAT ON ACCEPTANCE OF THIS AMENDED
APPEAL, THE IMPUGNED ORDERS DATED
28.07.2021, 04.01.2022 AND 14.04.2022 MAY
KINDLY BE SET ASIDE AND THE APPELLANT
MAY BE REINSTATED INTO HIS SERVICE
WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY, WHICH
THIS AUGUST TRIBUNAL DEEMS FIT AND
PROPER THAT MAY ALSO BE AWARDED IN
FAVOUR OF APPELLANT.**

RESPECTFULLY SHEWETH:

FACT:

1. That the appellant was appointed in the respondent department as Constable in the year 2010 and since his appointment, the appellant has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superior regarding his performance.
2. That the mother of the appellant was seriously ill and the appellant took his mother to different doctors for her treatment and in this respect he informed his superior about his engagement in the treatment of her mother due to which he was compelled to remain absent from his duty with effect from 21.11.2020 to 29.11.2020 (08-days) from 03.01.2021 to 09.01.2021 (09-days) and in this respect inquiry was conducted against the appellant in which the appellant was never associated and the inquiry officer recommended for ex-parte action, however inquiry report was not provided to the appellant.
3. That unfortunately, the appellant addicted of ice due to which his health condition was badly effected and was unable to perform his duty and remain absent from his duty, but he informed his superiors about the issue and in order to avoid intoxication the appellant admitted himself in Rehabilitation Center for treatment on 26.08.2021 and was under treatment for about 03 months in the Rehabilitation Center and after recovery he was discharged from the center on 30.11.2021. **(Copy of Admission & Discharge slips are attached as Annexure A&B)**
4. That due to above mention reasons the appellant was compelled to remain absent from his duty on which inquiry was conducted against the appellant, however the appellant was never associated with inquiry proceeding, even the inquiry report was not provided to the appellant.
5. That when the appellant recovered, he went to join his duty, but he was informed that he was removed from service from the date of his absence vide order dated 28.07.2021, the appellant after receiving the removal order filed departmental appeal on 06.12.2021 which was rejected on 04.01.2022. **(Copies of removal order dated 28.07.2021, departmental appeal and rejection order dated 04.01.2022 are attached as Annexure C,D&E)**
6. That the appellant filed the instant Service Appeal before Service Tribunal for his reinstatement and also filed revision petition under 11-A of Police Act 1975 (amended in 2014) to respondent No.1, however, he did not keep the copy of revision which may be requisite from the department and during the pendency of service

appeal, the revision of the appellant was rejected on 14.04.2022.
(Copy of order dated 14.04.2022 is attached as Annexure-F)

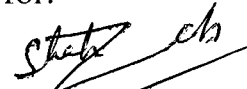
7. That as the revision of the appellant was also rejected during the pendency of the service appeal, which also necessary to be challenged before this Honorable Tribunal, therefore the appellant filed an application for amendment of instant appeal by challenging the order dated 14.04.2022 before this Honorable Tribunal, which was allowed 26.04.2022, hence the amended appeal on the following grounds amongst others. **(Copies of application and order sheet dated 26.04.2022 are attached as Annexure-G&H)**

GROUND:

- A) That the impugned orders dated 28.07.2021 and 04.01.2022 and 14.04.2022 are against the law facts, norms of justice, and material on record, therefore, not tenable and liable to set aside.
- B) That the inquiry was not conducted according to the prescribed procedure against the appellant as he was never associated with the inquiry proceeding which is violation of law and rules and as such the impugned orders are liable to be set aside.
- C) That no charge sheet was communicated to the appellant before passing the impugned order of removal from service, which is violation of law and rules.
- D) That the penalty of removal from service is very harsh which is passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law and liable to be set aside.
- E) That the appellant did not intentionally absent from his duties, but unfortunately he addicted of ICE due to which his health condition was badly effected and could not perform his duty and in order to avoid intoxication he admitted himself in Rehabilitation Center and was under treatment in that Center and after proper treatment he was recovered, however due that reason which he was unable to perform his duty and was compel to remain absent from his duty. Therefore, needs to be treated with a lenient view.
- F) That in the impugned order it was mentioned that complaint has been received against the appellant that he was indulged in selling ICE drug but the appellant was never involved in the selling of ICE but he was addicted of the ICE and he also recovered from that addiction after proper treatment in Rehabilitation Center and now he is healthy and fit.


- G) That the appellant has been condemned unheard and has not been treated according to law and rules.
- H) That the appellant seeks permission of this Hon'ble Tribunal to advance others grounds and proofs at the time of hearing.

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



APPELLANT
Shah Zeb

THROUGH:



(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.185/2022

Shahzeb

V/S

Police Deptt:

.....

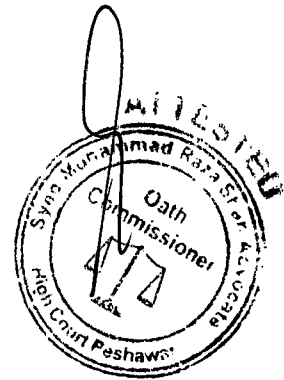
AFFIDAVIT

I, Shah Zeb, Ex-Constable No.1837, Police Station Tarnab, Charsadda (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

Shah Zeb

DEPONENT

Shahzeb
(APPELLANT)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.185/2022

Shahzeb

V/S

Police Deptt:

APPLICATION FOR CONDONATION OF DELAY IN THE
INSTANT AMENDED APPEAL

RESPECTFULLY SHEWETH:

1. That the instant amended appeal is pending before this Honorable Tribunal which is fixed for preliminary hearing on 14.07.2022.
2. That the appellant was removed from service on 28.07.2021, however he was admitted in Hospital for his treatment and on 30.11.2021 he was discharged from Hospital and after recovery, he went to join his duty but he was informed that he has been removed from service from the date of his absence vide order dated 28.07.2021. The appellant after receiving his removal order filed departmental appeal within the stipulated period of thirty days on 06.12.2021.
3. That the impugned removal order dated 28.07.2021 was passed with retrospective effect and such like orders are declared as void order by the Honorable Supreme Court in its various judgments and no limitation run against the void order.
4. That the august Supreme Court of Pakistan has hold that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation, therefore, appeal needs to be decided on merit (PLD-2003 (SC)-724).
5. That the instant appeal may kindly be decide on merit as the appellant has good case to be decide on merit

It is therefore most humbly prayed that on the basis of above submission, the instant amended appeal may kindly be decided on merit by condoning the delay to meet the ends of justice.

THROUGH:

APPELLANT



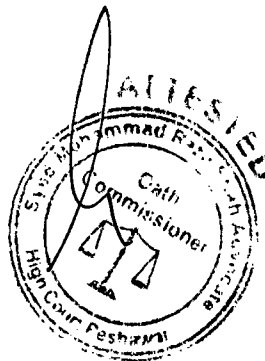
TAIMUR ALI KHAN
ADVOCATE HIGH COURT

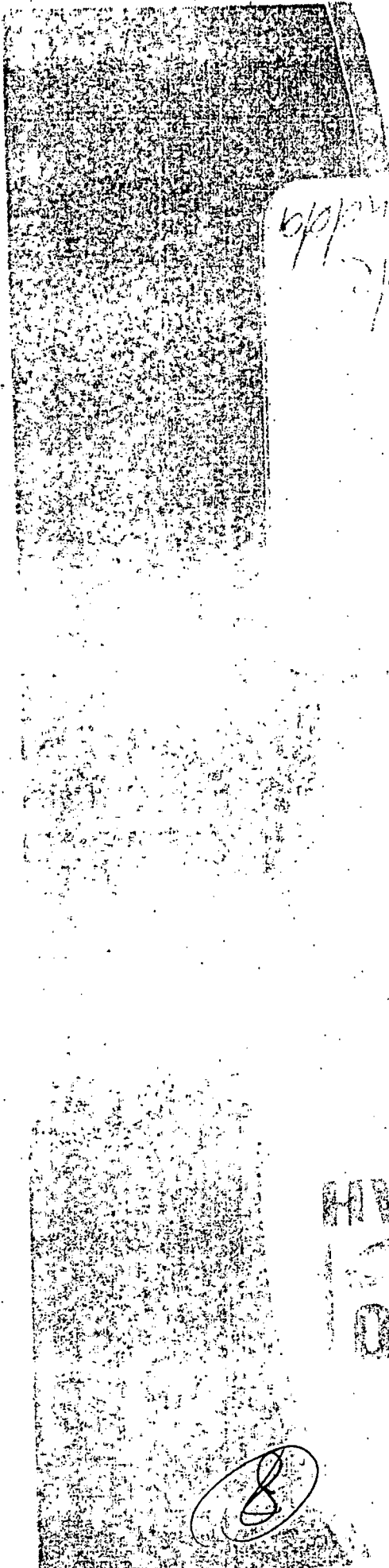
AFFIDAVIT

It is affirmed and declared that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.



DEPONENT





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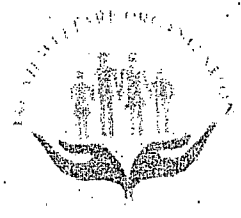
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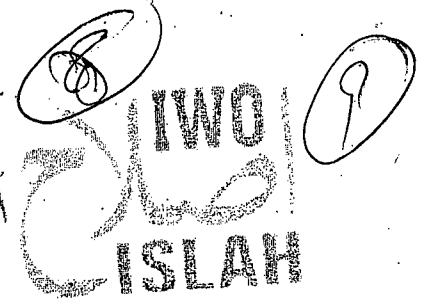
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0346-5099925
0310-9898097



وزارت صحت
آرگنائزیشن



Name: Dr. [unclear]

Age: 28 Sex: M Date: 20/10/2019

Dr. [unclear]
[unclear]
[unclear]

Dr. [unclear]
[unclear]

[unclear]
[unclear]
[unclear]

[unclear]
[unclear]

Medical Officer

[Signature]

8/10



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WELFARE ORGANIZATION

ISLAM

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مجلس

21

دعوت الیہ

مجلس

ایک مجلس اقامت کرنا ہے جس میں اس ادارے کے قانون کا پابند ہوں گا اور میں نے یہ مجلس کے ساتھ ملاقات میں کروا کر اور ادارے کے 3 مہینے کی مجلس بھی کروا کر دیکھا اور میرے پاس اس وقت سے پہلے سے جس کی صورت میں 3 مہینے کی مجلس ادا کرنے کا پابند ہوں۔

خط انجمن

رجسٹر

چشم برزاد

10 بجے سے 5 بجے تک

ملاقات

نوٹ

مجلس میں ہر کسی کو تاحولی جرم ہونے اور اسے اختیار ہے کہ وہ اس مجلس میں داخلہ کرے اور اسے
مجلس میں داخلہ دے جس میں اسے چاہئے اور اسے چاہئے اور اسے چاہئے اور اسے چاہئے اور اسے چاہئے
مجلس میں ہر کسی کو تاحولی جرم ہونے اور اسے اختیار ہے کہ وہ اس مجلس میں داخلہ کرے اور اسے



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ویلفیئر آرگنائزیشن
WELFARE ORGANIZATION

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12

تشیارچ

30/06/2011

Drug Rehabilitation

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1/10/2011
1/10/2011

ORDER

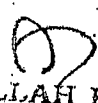
5 (12) (13)

This order will dispose of the departmental enquiry against Constable Shahzab No. 1837, while posted at Police Station Barnab, absented himself from his lawful duty w.c from 21.11.2020 to 29.11.2020 (08-days) from 03.01.2021 to 09.01.2021 (07-days) & from 12.04.2021 to 23.06.2021 (72-days) (Total 87-days) without any leave or prior permission from his senior officers. Absence report recorded vide D.D Nos. 14, dated 03.01.2021 & No. 14 dated 12.04.2021. On the above allegations (i.e 15 days absence) he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975, The Inquiry Officer Mr Farooq Zaman Khan DSP Shabqadar was nominated for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings, recommending him for Ex-Part action.

Subsequently, Constable Shahzab No.1837, has been issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found unsatisfactory.

Similarly, another charge sheet with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975 was issued to him (i.e 72 days absence) and Mr. Sabir Gul Khan DSP Sardheri was nominated for probing into the matter by conducting departmental inquiry against him and submit his findings recommending him for major punishment. Beside the above allegations a complaint has also been received against him that he was indulged in selling ICE drug.

After perusal of the enquiry papers and recommendation of the enquiry officers, Constable Shahzab No. 1837 is hereby awarded the major punishment of removal from service from the date of his absence.


ZAIIB ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

O.B.No - 721

Date - 28/7/2021

No. (367-70/H.C, dated Charsadda the
CC.

28/07/2021

Pay Officer/OASI
EC/FMC

دعوات عبودیت
بجالی ملازمت

130
14

جناب عالی

دعوات حسب ذیل عرض ہے

یہ کہ سائل حکمہ کو لکھیں، یہ بطور کا تسبیح ڈروٹی برحق ہے اور اسی
سے سائل نے الجانداری کے ساتھ اپنے ڈروٹی بھائی ہے۔ اور سائل
نے کوئی غیر حافری بھی نہیں کی تھی اور پھر اسی اتنا میں سائل نے
یہ قسمی کچھ سے سائل نے نشہ شروع کر دیا۔ اور پھر سائل نے
ایسا علاج مکمل کر دیا۔ اور سائل پر الزام لگایا، کہ وہ منشیات
فروخت کر رہا ہے اور کوئی پیرچہ دیکھ کر بھی سائل کے خلاف بھی
نہیں ہے اور سائل خاندان کا دوسرا سربراہ بھی ہے اور اللہ
بیمار ہوئی اور سائل نے بیمار دارا کی شہرت لے کر دی اور اسے علاج
کر دیا۔ اور اسی وجہ سے سائل نے لٹی غیر حافیوں کی تعمیر
الطباع کی ہے، کیونکہ سائل اللہ کی بیمار دارا میں معروف
تھا۔ اور اسی وجہ سے سائل کو نوٹری سے برخاست
کر دیا۔ اور اب سائل دوبارہ اپنے ڈروٹی پر بحال ہونا
چاہتا ہے اور سائل ستریف یا لکھنوی ستریف ہے

P.T.O

(9)
 (15)
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6/12
 24

(سپاہ 1837) شاہ زیب و لہر جہان زیب

سکنہ نمبر 21 چارسدہ 0312-9131091

طیبت

0312-9131091

نوٹ: اس کے بارے میں سوچا ہے کہ اس کے لئے
 میں نے اس کے بارے میں سوچا ہے کہ اس کے لئے
 میں نے اس کے بارے میں سوچا ہے کہ اس کے لئے

ORDER.

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This order will dispose-off the departmental appeal preferred by Ex-Constable Shah Zeb No. 1837 of Charsadda District against the order of District Police Officer, Charsadda, whereby he was awarded major punishment of removal from service vide OB: No. 721 dated 28.07.2021 by the District Police Officer, Charsadda. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Tamab District Charsadda, absented himself from his lawful duty without any leave/permission of the competent authority with effect from 21.11.2020 to 29.11.2020, 03.01.2021 to 09.01.2021 and 12.04.2021 to 23.06.2021.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Shabqadar, District Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the defaulter Officer 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 the delinquent Officer for ex-parte action.

He was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

Similarly, another departmental enquiry proceedings were initiated against him on account of 72 days absence. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Sardheri, District Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings and recommended the delinquent Officer for major punishment.

Besides the above, a complaint was also received against him regarding his indulgence in selling ICE. Therefore, after perusal of enquiry papers and recommendations of the enquiry Officers the delinquent Officer was awarded major punishment of removal from service by the District Police Officer, Charsadda vide his office OB: No. 721 dated 28.07.2021.

Feeling aggrieved from the order of District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 03.01.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved

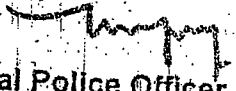
Link with case

(17) (B)

beyond any shadow of doubt. As the appellant has bitterly failed to produce any cogent reason to justify his absence. Hence, the absence period i.e 02 months & 27 days of the appellant clearly depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. Moreover, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred by 04 months and 08 days without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 62 /ES, Dated Mardan the 04/01 /2022.

Copy forwarded to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 2768/EC dated 21.12.2021. His Service Record is returned herewith.

(****)

F 18



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shah Zeb No. 1837. The petitioner was removed from service by District Police Officer, Charsadda vide OB No. 721, dated 28.07.2021 on the allegations that he while posted at Police Station Tarnab absented himself from duty w.e.f 21.11.2020 to 29.11.2020, 03.01.2021 to 09.02.2021 and 12.04.2021 to 23.06.2021 for 87 days. Besides above, a complaint was also received against him regarding his indulgence in selling ice. His appeal was rejected being time barred by 04-months & 08-days by Regional Police Officer, Mardan vide order Endst: No. 62/ES, dated 04.01.2022.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he was ill.

The petitioner remained absent for long period of 87 days. Moreover, serious allegations of selling ice were leveled against the petitioner. Petitioner failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board unanimously decided that his petition is hereby rejected.

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

No. SI 161/15 /22, dated Peshawar, the 12/1/22

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Rajji Adissal of the above named Ex-FC received vide your office Memo; No: 1973/ES, dated: 11.03.2022 is returned herewith for your office record.
2. District Police Officer, Charsadda.
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 TARIQ) PSP
AIG (Establishment)
Inspector General of Police

9 (19)

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

Service Appeal No. _____/2022

Shah Zeb

VS

Police Deptt:

SUBJECT: APPLICATION FOR PERMISSION TO ALLOW THE APPELLANT TO AMEND THE INSTANT APPEAL BY IMPUGNING THE ORDER DATED 14.04.2022, WHEREBY THE REVISION OF THE APPELLANT WAS REJECTED.

RESPECTFULLY SHEWETH:-

1. That the appellant has filed the instant appeal in this Honourable Tribunal against the order dated 28.07.2021, whereby the appellant was dismissed and against the letter dated 04.01.2022, whereby the departmental appeal of the appellant was rejected.
2. That the appellant also filed revision under 11-A of the Police Rules 1975 (amended in 2014) to respondent No.1 during the pendency of the instant appeal before this Honourable Tribunal, which was rejected on 14.04.2022, which is necessary to be challenged before this Honourable Tribunal. **(Copy of order dated 14.04.2022 is attached as Annexure-A)**
3. That as revision of the appellant was rejected on 14.04.2022, therefore the appellant wants to challenge the order dated 14.04.2022 before this Honourable Tribunal by amending the instant appeal.
4. It will be in the interest of justice to allow the appellant to amend the instant appeal by challenging the order dated 14.04.2022 before this Honourable Tribunal.

20

It is therefore most humbly prayed that on acceptance of this application, the appellant may kindly be allowed to impugn the order dated 14.04.2022 before this Honourable Tribunal by amending the instant appeal.

Shah Zeb
APPELLANT
Shah Zeb

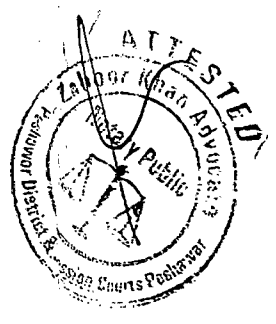
THROUGH:

Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Shah Zeb
DEPONENT



H (21)

BI
THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 185 /2022

Khyber Pakhtunkhwa
Service Tribunal

Policy No. 126

Shah Zeeshan
Police Station Constable No.1837,
arnab, Charsadda.

31-01-2022

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region Mardan.
3. The District Police Officer, Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 28.07.2021, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 04.01.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 28.07.2021 AND 04.01.2022 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATE INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Registrar
11/02/2022

H (21)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 185 /2022

Khyber Pakhtunkhwa
Service Tribunal

126

31-01-2022

Shah Zeb, Ex-Constable No.1837,
Police Station Tarnab, Charsadda.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region Mardan.
3. The District Police Officer, Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 28.07.2021, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 04.01.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

Filed to-day
Registrar
31/1/2022

PRAYER:

Submitted to -day
of Dec.

Registrar
11/02/2022

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 28.07.2021 AND 04.01.2022 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATE INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

AA
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26.04.2022

Counsel for the appellant present.

Learned counsel for the appellant submitted an application seeking permission to allow to amend the instant service appeal. It is stated in the application that revision petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) had been submitted and it was rejected vide order dated 14.04.2022, during pendency of the main appeal. The application in question is allowed to that extent only. To come up for amended appeal as well as preliminary hearing on 14.07.2022 before S.B.

22

(MIAN MUHAMMAD)
MEMBER(E)

10/11/22
14/11/22

13/7/22

13/7/22
13/7/22

“A”

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

No.
Recd

APPEAL No. 185 of 2022.

Shah Zeb

Appellant/Petitioner

Versus

The P.P.O kpk Pesh:

RESPONDENT(S)

✓
Notice to Appellant/Petitioner Shah Zeb Ex-Constable
No. 1837 Police Station Tarnab,
Charsadda.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 26/4/2022 at 9:00 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.

[Signature]
Registrar, u

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

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

No.

Recd
J

APPEAL No. 185 of 2022.

Shah Zeb

Appellant/Petitioner

Versus

The P.P.O Kpk Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner Shah Zeb Ex-Constable
No 1837 Police Station Tarnab,
Charsadda.

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[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.