

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	15.11.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 509/2013 (Fazl-e-Malik-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Mr. Yasir Saleem, Advocate) and Mr. Kabirullah, Assistant Advocate General for respondents present.</p> <p>2. Fazal-e-Malik, Ex-constable No. 2604, the appellant herein, enlisted as Police Constable in the year 2008, remained absent from duty w.e.f 14.02.2011(vide D.D of the same date of P.S Rustum, Mardan) up to 21.05.2012 (vide D.D No.3 of the even date on which he reported his arrival back on duty) was issued a show cause notice on 24.08.2012 and dismissed from service vide impugned order dated 18.09.2012. The appellate authority also rejected his appeal vide impugned order dated 04.02.2013, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. Learned counsel for the appellant submitted that no opportunity of hearing has been provided to the appellant for the reason that no charge sheet was issued nor proper enquiry was conducted and a major penalty of dismissal was unlawfully awarded to the appellant. He next submitted that the ground for absence was illness which ground is duly supported by medical evidence but this</p>

aspect of the case was not considered by the respondents. He further argued that in the original impugned order dated 11.09.2012, the absence period has been converted into leave without pay, thus the appellant could not be dismissed for that leave period which is duly sanctioned by the competent authority. He placed reliance on 2006 SCMR434. He prayed that the appeal may be accepted and the appellant reinstated in to service with all back benefits.

5. Learned Assistant Advocate General resisted the appeal who submitted that the appellant remained absent from duty for sufficient long time and he failed to convince the authorities about his ground of illness therefore, he was rightly dismissed from service. He also argued powers vested in the competent authority to dismiss the appellant without the proceedings of the charge sheet and enquiry, hence the impugned orders cannot be assailed on this ground. He submitted that the appeal may be dismissed.

6. We have carefully gone through the record and have heard pro & contra arguments for the parties. It was observed from the record that after ^{he} remained absence ~~period~~, the appellant had resumed duty on 21.05.2012 and the show cause notice was issued to him ~~was~~ on 24.08.2012 after a lapse of about three months. According to the appellant he performed his duty with zest and zeal in the course of these three months and there is nothing on record to show that the respondents were yet dissatisfied with his performance and duty in the course of these three months. Impugned order on perusal would show that the absence period of the appellant has been treated as leave without pay. Major penalty of dismissal has been imposed on the appellant without any charge sheet or proper enquiry in which illness plea of the appellant could have been properly threshed out. In these circumstances, we are of the considered view that once the appellant resumed ~~duty~~ so his dismissal from service for his previous absence without any enquiry proceedings was a harsh penalty. In the circumstances of the case, the Tribunal is constrained to set aside the impugned orders. Consequently, the

appellant is reinstated into service. The department if so wish^{ed} may initiate *de-novo* proceedings against the appellant strictly in accordance with law in which full opportunity of hearing and defense be provided to him and which should be completed within a period of one month after receipt of this judgment. The matter of back benefits will be subject to the outcome of the *de-novo* proceedings. In case the department decide no *de-novo* proceedings against the appellant so in that eventuality the absence period of the appellant be treated as his leave without pay. Appeal is accepted on the above terms. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED

15.11.2016



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

2006 S C M R 434

[Supreme Court of Pakistan]

Present: Iftikhar Muhammad Chaudhry, C. J. and Tassadduq Hussain Jilani, J

LAHORE DEVELOPMENT AUTHORITY and others---Petitioners

Versus

MUHAMMAD NADEEM KACHLOO and another---Respondents

Civil Petition No.1282-L of 2004, decided on 23rd January, 2006.

(On appeal from the judgment, dated 30-12-2003 passed by Punjab Service Tribunal in Appeal No.823 of 2003).

Constitution of Pakistan (1973)---

----Art. 212 (3)---Dismissal from service---Converting absence without leave into leave of the kind due---Frivolous litigation---Absence of civil servant was initially converted into the leave of kind due but later on he was dismissed from service on the charge of being absent without leave---Service Tribunal set aside the dismissal order and his absence was treated as a leave of the kind due---Validity---Authority had itself condoned the period of absence by allowing him leave without pay---Leave was due to the civil servant and he had been making applications time and again accompanied by medical certificates for the purpose of extending the period of his leave---Authority did not have any justification to institute the present petition because of the fact that absence of the civil servant had been regularized---Supreme Court issued notice to the authorities to explain as to why costs be not imposed upon them for filing frivolous petition, knowing well that the competent authority had treated the period during which the civil servant remained absent, as leave without pay---Supreme Court declined to interfere in the judgment passed by Service Tribunal---Leave to appeal was refused.

Muhammad Rashid Ahmad, Advocate Supreme Court and Tanvir Ahmad, Advocate-on-Record for Petitioners.

Nemo for Respondents.

Date of hearing: 23rd January, 2006.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, C.J.---Petitioner seeks leave to appeal against the judgment, dated 30th December, 2003 passed by Punjab Service Tribunal, Lahore.

2. Precisely stating facts of the case are that respondent was proceeded departmentally on account of absence for 260 days from his duty. Director, Administration L.D.A., Lahore awarded him major

penalty of dismissal from service vide order, dated 27th May, 2002. Contents of the order are reproduced hereinbelow:--

"Consequent upon finalization of disciplinary proceedings initiated against Mr. Muhammad Nadeem Kichloo, Assistant Director (Accounts) L.D.A., through show-cause notice under the Punjab Removal From Service (Special Powers) Ordinance, 2000 read with Punjab Removal From Service (Special Powers) (Amendment) Ordinance, 2001, the authority i.e. Director General, L.D.A. has awarded major penalty of dismissal from service upon the said officer with immediate effect, under the said Ordinance. His absence period from duty is ordered to be treated as leave without pay."

A perusal of the above order indicates that same was passed by Director-General/Authority on 23rd May, 2002 but was conveyed to the respondent on 27th May, 2002. There is another aspect of the case which requires notice that L.D.A., while awarding major penalty of dismissal from service, treated absence of the respondent as leave without pay.

3. Appeal filed by the respondent before the Secretary failed, who the same on 31st March, 2003. Against the above order, respondent preferred appeal before the Service Tribunal which has been allowed vide impugned judgment. Concluding para. is reproduced hereinbelow : --

"I have considered contentions from both sides. Without touching detailed merits of the case, I find that the appellant has already been allowed leave (leave without pay) for the period he remained allegedly absent from duty. The authority while dismissing the appellant, also allowed the appellant extra-ordinary leave without pay for the said period and in this way regularized his absence. This being so, very ground had vanished on which the appellant had been proceeded against. When the appellant was considered on leave, then he could not have been considered absent. In this view of the matter, appeal is accepted and the impugned orders, presently being assailed by the appellant are set aside. Resultantly, the appellant shall stand reinstated and the period intervening shall be treated as leave of the kind due."

4. Learned counsel for the petitioner contended that respondent remained absent from his duty therefore, the Director-General, L.D.A./ Authority rightly dismissed him from service.

5. In view of the observations made by the Tribunal in the concluded para., noted hereinabove, and also having gone through the contents of the order of the L.D.A. dated 27th May, 2002 we called upon learned counsel to explain as to whether, after allowing the respondent leave without pay during the period when he was absent from duty, there was any justification to dismiss him from service, he could not answer satisfactorily except saying that the period of absence was treated as leave without pay in order to grant him service benefits. We are surprised that once a person has been ordered to be dismissed from service, could at all the benefits of salary etc. can be given to him? As it has been pointed out hereinabove that Director-General himself had condoned the period of absence by allowing him leave without pay. Learned counsel also admitted that leave was due to the respondent and he had been making applications time and again accompanied by medical certificates for the purpose of extending the period of his leave. In this view of the matter, we are of the opinion that Director-General, L.D.A. had no justification to institute this petition because of the fact that absence of the respondent had been regularized.

6. Thus, for the foregoing reasons, petition is dismissed. However, notice be issued to both the petitioners to explain as to why costs may not be imposed upon them for filing frivolous petition,

knowing well that the competent authority vide order, dated 23-5-2005 had treated the period during which respondent remained absent as leave without pay. Learned counsel for the petitioners shall submit details of the petitions with particulars and thereafter notice be issued to them for their appearance during week commencing 30th June, 2006.

M.H./L-1/SC

Petition dismissed.

29.09.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 15.11.2016.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

07.09.2015

Counsel for the appellant and Mr. Muhammad Ghani, S.I (legal) alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment, therefore, case is adjourned to 25-1-2016 for arguments.


Member


Member

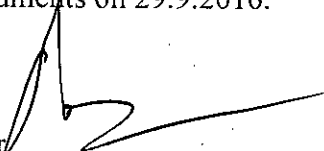
25.01.2016

Counsel for the appellant and Mr. Muhammad Ghani, SI (Legal) alongwith Mr. Ziaullah, GP for respondents present. Due to not availability of D.B, therefore, the case is adjourned to 11/5/16 for arguments.


Chairman

11.5.2016

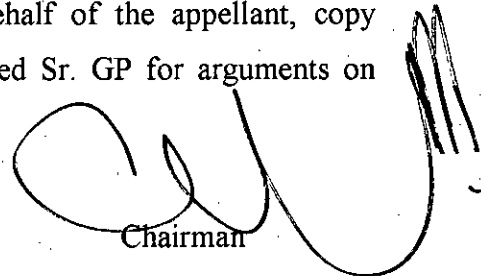
Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted the case to come up for arguments on 29.9.2016.


Member


Member

18.4.2014

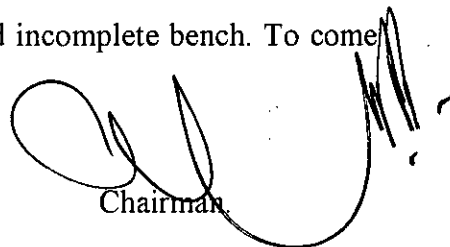
Appellant with counsel, (Mr. Sajid Amin, Advocate) and Mr. Muhammad Shafique, Inspector Legal on behalf of respondents with Mr. Usman Ghani, Sr. GP present. Rejoinder/replication received on behalf of the appellant, copy whereof is handed over to the learned Sr. GP for arguments on 10.9.2014.



Chairman

10.09.2015

Appellant in person and Mr. Muhammad Ghani, SI (Legal) on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Arguments could not be heard due to non-availability of learned counsel for the appellant and incomplete bench. To come up for arguments on 11.3.2015.



Chairman

11.3.2015

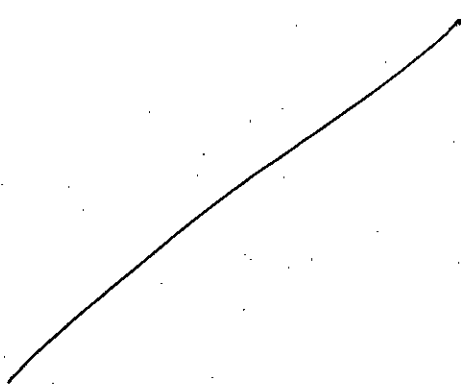
Junior to counsel for the appellant and Ziaullah GP with Muhammad Shafiq, Inspector (Legal) for the respondents present. Senior counsel for the appellant is not available. Therefore, case is adjourned to 07.09.2015 for arguments.



MEMBER

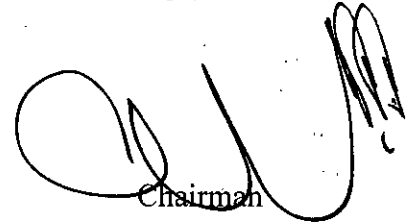


MEMBER



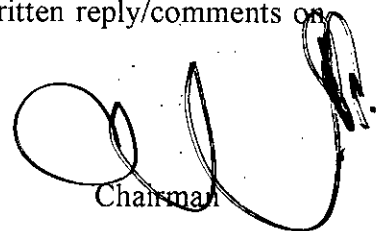
09.7.2013

Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Muhammad Shafique, SI (Legal) with Mr. Usman Ghani, Sr. GP for respondents present. To come up for written reply/comments on 1.10.2013.


Chairman

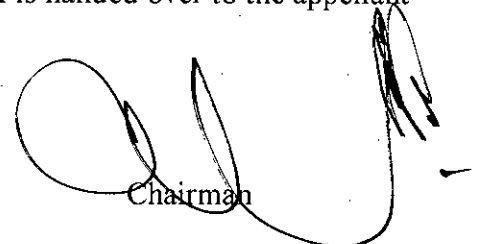
01.10.2013

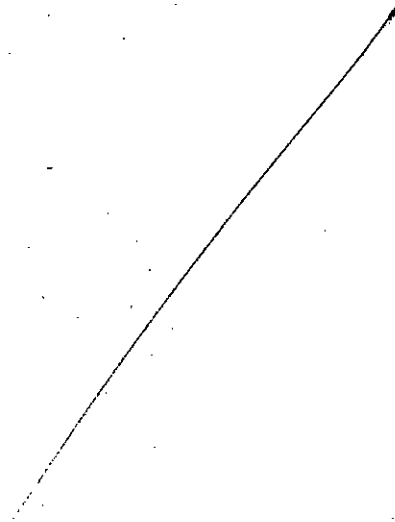
Counsel for the appellant (Mr. Sajid Amin, Advocate) and AAG for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments on 15.1.2014.


Chairman

15.01.2014

Appellant in person and Mr. Muhammad Ghani, ASI (legal) on behalf of respondents with AAG present. Written reply on behalf of respondents received, copy whereof is handed over to the appellant for rejoinder on 18.4.2014.


Chairman



Appeal No. 509/2013
Mr. Fazl-e-Malik

3. 13.5.2013

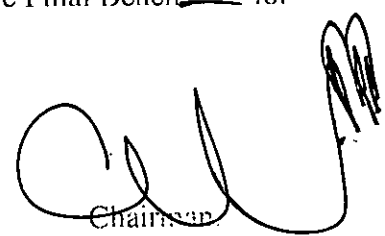
Counsel for the appellant present and heard. Contended that the appellant has been dismissed from service vide the impugned order dated 11.9.2012 without fulfilling the legal procedure which are mandatory under the law before awarding the major punishment of dismissal from service. Moreover, the absence period has been treated as leave without pay by the authority, thus regularizing the absence period and the very ground has been vanished, therefore, no penalty could be imposed upon the appellant. The appellant preferred a departmental appeal which has been rejected on 4.2.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 9.7.2013 for submission of written reply.

Appellant deposited
security & process
fee Rs. 180/- bank
receipt is attached
with file
JMS


Member.

4. 13.5.2013

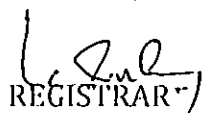

This case be put before the Final Bench P for further proceedings.


Chairman.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 509/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/03/2013	<p>The appeal of Mr. Fazl-e-Malik presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p> REGISTRAR</p>
2	1-4-2013	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>13-5-2013</u>.</p> <p> CHAIRMAN</p>

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

Appeal No. 509/2013

Fazl-e-Malik Ex-Constable No. 2604, R/O Police Station Rustam,
District Mardan.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

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2	Medical Certificates / OPD Chits	A	4-18
3	Copies of Roznamcha dated 21.05.2012 Show Cause Notice	B & C	19-20
4	Dismissal order dated 11.09.2012	D	21
5	Departmental Appeal & rejection order dated 04.02.2013	E & F	22-24
6	Vakalatnama		

haseer
Appellant

Through

41

IJAZ ANWAR
Advocate Peshawar
&

Sajid Amin
SAJID AMIN
Advocate, Peshawar

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

Appeal No. 509/2013

A.W.F. Peshawar
No. 511
Date 01-3-2013

Fazl-e-Malik Ex-Constable No. 2604, R/O Police Station Rustam,
District Mardan.

(Appellant)

VERSUS

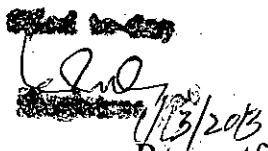
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Mardan.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 11.09.2012, whereby the appellant has been awarded major punishment of Dismissal from service, against which the Departmental Appeal has been rejected vide order dated 04.02.2013.

Prayer in Appeal: -

On acceptance of this appeal both the impugned orders dated 11.09.2012 and 04.02.2013, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.


Respectfully Submitted:

1. That the appellant was enlisted in the Police Department in the year 2008, ever since his enlistment the appellant performed his duties with full devotion.
2. That while serving in the said capacity in the month of February, 2011, the appellant got seriously ill, he was taken to the Hospital. Due to his continuous illness the doctor's advised him complete bed rest from time to time, therefore, the appellant was unable to join his duty. (Copy of the Medical Certificates / OPD Chits are attached as Annexure A).
3. That the appellant after gaining health reported for duty on 21.05.2012, thereafter he was served with Show Cause Notice dated 24.08.2012 which he duly replied. (Copies of the

Roznamcha dated 21.05.2012 and Show Cause Notice is attached as Annexure B & C).

4. That the competent authority without conducting any inquiry or giving any opportunity of personal hearing to the appellant, vide the order dated 11.09.2012, awarded the major punishment of *Dismissal from Service*, to the appellant, however his absence period was treated as leave without pay. (Copy of the Dismissal order is attached as Annexure D).
5. That against the dismissal order the appellant filed Departmental Appeal, before the Respondent No. 2, however his appeal has also been rejected vide order dated 04.02.2013, communicated to the appellant on 08.02.2013. (Copies of Departmental Appeal & rejection order are attached as Annexure E & F).
6. That the impugned orders are illegal unlawful against law and fact, hence liable to be set aside inter alia on the following grounds:-

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding penalty of dismissal to the appellant. Neither any notice has been served upon the appellant nor any inquiry has been conducted before awarding the major penalty to the appellant thus the whole proceedings are defective in the eye of law.
- C. That the authority while dismissing the appellant from service, he has also allowed leave (leave without pay) to the appellant for the period he remained allegedly absent from duty, thus by doing so the authority has regularized the absence period and the very ground on which the appellant was proceeded against has vanished, therefore no penalty could lawfully be imposed upon the appellant.
- D. That no absence notice has ever served upon the appellant nor the same has been published in any local news papers.
- E. That the appellant has not been provided opportunity of personal hearing before imposing the penalty dismissal upon him thus he has been condemned unheard.

- F. That the appellant has not committed any act or omission which could be termed as misconduct, his absence from duty was not willful but was due to his ailment, since he was advised complete bed rest by the Doctors, therefore, he could not join his duty.
- G. That the appellant is jobless due to his illegal dismissal from service he has a large family dependant upon him, due to his illegal dismissal his whole family is suffering.
- H. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal both the impugned orders dated 11.09.2012 and 04.02.2013, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Fazl-e-Malik
Appellant

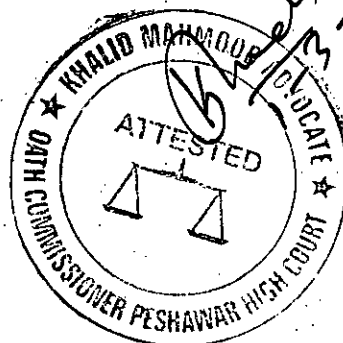
Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar
&

Sajid Amin
SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, *Fazl-e-Malik Ex-Constable No. No. 2604, R/O Police Station Rustam, District Mardan*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal is true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



Fazl-e-Malik
Deponent

(4)

MARDAN MEDICAL COMPLEX MARDAN

PH: NO 9230051

RS:5/=

Name Fazali Malice

OPD No 6503

Date 14-02-11

Disease: _____

^{4/6}
Severe Backache

by doctor 3/11 11:00

Rx:

Tab Flexin 500mg

1/2 tab 1+1

Tab Bepicolon

Adv: rest
w.e.f 14/2/11

MEDICAL OFFICER
MMC Mardan

14/2/11

[Signature]

[Signature]
Q

(5)

**MARDAN MEDICAL COMPLEX
MARDAN**

PH: NO 9230051

RS:5/=

Name Fazli Malik
OPD No. 11170
Date 13-03-2011
Disease: _____

c/o L.B.A

inj profenid 2 x 0.0 (1/m)
for 10 days

Followed by

Tab Synflex 150mg
1+1

Tab Melonal forte
1+1

Tab Neurobion -
1/2/1 (1)

W test
14/3/11 1 month
in ward

[Signature]
**MEDICAL OFFICER
MMC Mardan**

[Signature]
[Signature]

6

MARDAN MEDICAL COMPLEX
MARDAN

PH: NO 9230051

RS:5/=

Name Fazli Malik

OPD No 13726

Date 12-04-2011

Disease: _____

Cl
B. Ache

Tas Naprak
1 fl 500mg

Tas. Tonalin
1 fl

W/B
B. Ache, Oxen
best rest for 1 month

MEDICAL OFFICER
MMC Mardan

[Signature]

[Handwritten signature]
A

7

MARDAN MEDICAL COMPLEX
MARDAN

PH: NO 9230051

RS: 5/=

Name M. Jee

OPD No 15710

Date 11-05-2011

Disease: _____

Q Back Ache
←

3/ Lumbago

3/ Pain in
the
back

Rx

Tab Aspirin
1-1-1

Tab Paracetamol
1-1-1

Tab Gabapentin
1-1-1

Act bed rest for 2-3
days with 11.5.11

to 11.6.11

MEDICAL OFFICER
MMCMardan

Attested

①

8

**MARDAN MEDICAL COMPLEX
MARDAN**

PH: NO 9230051

RS:5/=

Name Subjo

OPD No 18926

Date 15-6-11

Disease: _____

40 Throat pain

CR Auto pharyngitis

- Tab Klasacid
1 m 5x

220
P.M.C
M.M.C MARDAN

15
- Pandul
1 m CR

- Syp Susbau
Restat hemicfa
1 m

30 day fron
576111 fron

Attestat
Q

9

MARDAN MEDICAL COMPLEX
MARDAN

PH: NO 9230051

RS:5/=

Name Ab Jee

OPD No 23201

Date 14-7-11

Disease: _____

Ch. 5/5

- 1 tab Enoxal bed

121

- 18 Amisc F

- Solophree Spray

300

R.M.O
MMC MARDAN

1000

Rest at home for one month
~~from~~ from 14/7/11.

Allesha
@

10

MARDAN MEDICAL COMPLEX
MARDAN

PH: P/O 9230051

RS:5/=

Name U. H. Jee

OPD No 88958

Date 08-08-11

Disease: _____

yellow
rash
yellow skin

HCV
Hbs-g

Diagnosis

① 10% Maltin / ②

oh Bziblin
my

③ 10% Silmaris ③

④ 10% Kental M ③

⑤ 10% Enzyl - ③

Shir 08/30 day

Senior Medical Officer
Mardan Medical Complex
Mardan.

Accepted
②

(14)

MARDAN MEDICAL COMPLEX MARDAN

PH: NO 9230051

RS:5/=

Name Waleed

OPD No 68518

Date 23-12-11

Disease: _____

R
 3/7 - Laxogen
 1/2 Sym 2/30
 Cp. Enin
 Ad. 3/7 - Mivichin
 Complete bed rest for
 one month

Ad. Ali
 R.M.O
 MARDAN

Attest
Q

15

MARDAN MEDICAL COMPLEX
MARDAN

PH: NO 9230051

RS:5/=

Name Mojib

OPD No 5088

Date 25-1-12

Disease: _____

~~Amoxicillin~~
Ad. 1000 mg
Bic.
4hr.

~~Ad. Diclofenac 200~~

~~Syr. Hepamerz~~

~~Cep. Dextro 400~~

~~Syr. Motilium~~

Ad. ~~Comptonic Bed Rest~~
~~for one hr.~~

M.M.O
MMC MARDAN

Attest


17

**MARDAN MEDICAL COMPLEX
MARDAN**

PH: NO 9230051

RS:5/=

Name Wajid
OPD No. 18873
Date 20/3/12
Disease: _____

Pain
Back
Lower back
Wing of 6th rib

○ 703 Parvato 11/11

○ 703 Tarmil 11/11

○ 703 Osman 11/11

○ 703 Rehan 11/11

○ Admined Rest for 15 days

Senior Medical Officer
Mardan Medical Complex
Mardan.

Accepted
①

MARDAN MEDICAL COMPLEX MARDAN

PH: NO 9230051

RS:5/=

Name Ulejo

OPD No 42447

Date 3-4-12

Disease: _____

Breast
Pain

Wash

Pain

① Tab Moxon ②
20

① Citra 500
20

① Tab Alker's ③
20

① Tab Bendx ③
20

① Admin 200 for 15 days

Senior Medical Officer:
Mardan Medical Complex
Mardan.

Allex
9

قماندہ رستم

مدد 31 دوز نامی 21-5-12

ضلع مرداس

مدد 31 حاضرے شہر خاتہ ای وقتے 16:50 بجے روز 21-5-12

اس وقت کنیلے نقلے مانتے 2604 غیر حاضر شدہ

حوالہ مدد 5 دوز نامی 14 بجے حاضر آیا بیان کیا کہ میں

بہرورانے پیشے انہوں نے بالاکو خود زبانی بیان

دونگاار حاضر آیا ہوتے حاضرے کے بارے

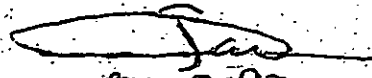
مذکورہ کنیلے کے دلپورٹے حاضرے درج دوز نامی

ہو کر نقلیہ علیحدہ مرتب کر کے بفرضے مناسب

کاروائی انہوں نے بالاکو خدمتے میں ارسال
کیے جائیں گے

جناب عالی!

نقلے مخالف اصل ہے



mm P.S.R.Tm

21-5-12

All the best



(20) Annex: C (1)

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

739 /PA/SCN/R

Date 24-8-2012

SHOW CAUSE NOTICE UNDER POLICE RULES 1975

Whereas, you Constable Fazal Malik No. 2604, while posted at Police Station Rustam, remained absent from duty for one year, three months and seven days without any leave/permission of the competent authority vide DD report No. 05 dated 14.02.2011 to DD No. 3 dated 21.05.2012.

You are therefore, found guilty of misconduct, as defined in section 2 (iii) of NWFP Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5, 3 clauses (a) & (c) under the said Rules.

Now, therefore you Constable Fazal Malik are called upon under section 4 (1) of the NWFP Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE.

Take note that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

[Signature]
District Police Officer,
Mardan

Copy to SHO Rustam, (Attention Moharrar) with the directions to deliver this notice upon Constable Fazal Malik and the receipt thereof should be returned to this office within (05) days positively.

Accepted
[Signature]

(25)

Amended: - 1

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

Tel: 0937-9230109
Fax: 0937-9230111

No. 5425-29/PA
Dated 18/9 /2012

DISMISSAL ORDER

Constable Fazal Malik No. 2604, while posted at Police Station Rustam, remained absent from duty for one year, three months and seven days without any leave/permission of the competent authority vide DD report No. 05 dated 14.02.2011 to DD No. 31 dated 21.05.2012.

In this connection, he was served with a proper Show Cause Notice under NWFP Police Rules 1975, issued vide this office No. 739/PA/SCN/R dated 24.08.2012, to which, his reply was received, but failed to present cogent/plausible reasons in his defence.

Keeping in view his long period of absence and unsatisfactory reply, I am of the opinion that Constable Fazal Malik No. 2604 of Police Station Rustam is not interested in Police service and is a burden on Govt. exchequer, therefore he is awarded major punishment of dismissal from Police Force with immediate effect with counting his absence's period of one year, three months and seven days, quoted above as leave without pay, in exercise of the power vested in me under NWFP Police Rules 1975.

Order announced.

O.B. No. 2533

Dated 11/9/2012

(Danishwar Khan)
District Police Officer,
Mardan

Copy for information and necessary action to:-

1. The DSP/HQrs: Mardan.
2. The SHO Police Station Rustam.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan
5. The OASI (DPO) Mardan with (3) enclosures.

Alleged

...2...

23

...2...

4. That due to my dismissal from Service my Whole family shall be suffered.

It is, therefore, requested that in view of above facts and Circumstances I may very kindly be re-instated in Service, for which my whole family shall Pray for your long life.

Yours Most Obediently,

(FAZAL MALIK)

Ex. Constable NO. 2604
Of Mardan District.

Attest

R

24

Approved F

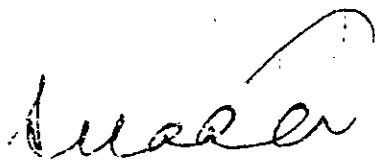
ORDER.

My this order will dispose off the appeal preferred by Ex-Constable Fazli Malik No. 2604 of Mardan District Police against the order of dismissal issued by the District Police Officer, Mardan vide OB: No. 2533 dated 11.09.2012, on the basis of allegation that he while posted in Police Station Rustam absented himself from lawful duty for one year, three months and seven days without any leave/permission by the competent authority. His absence report was entered in DD No. 05 dated 14.02.2011 and No 31 dated 21.05.2012

In this connection, he was served with Show Cause Notice under NWFP Police Rules 1975, issued vide District Police Officer, Mardan office No. 739/PA/SCN/R dated 24.08.2012, to which his reply received but failed to justify his absence from duty and failed to give any cogent/plausible reason in his defence.

I have perused the record and also heard the appellant in person in Orderly Room on 23.01.2013. He failed to justify his absence and could not produce any cogent reason about his absence of 01 year, 03 Months & 07 days. Therefore, I **ABDULLAH KHAN KHAN (PSI)** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the legal order passed by the competent authority issued vide OB: No. 2533 dated 11.09.2012 and the appeal is filed.

ORDER ANNOUNCED.


(ABDULLAH KHAN)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 392 /ES, Dated Mardan the 4/2 /2013.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office memo no: No. 446/LB dated 22.11.2013. He may be informed accordingly.

His Service Record are returned herewith.
(S. Roll, AM)

(*****)




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

Service Appeal No. 509/2013.

Fazl-e-Malik Ex-Constable No. 2604, r/o Police Station Rustam District
Mardan.....Appellant.

VERSUS.

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Mardan.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. That the appellant has not come with clean hands to this Honourable Tribunal.
2. That the appellant has concealed material facts from this Honourable Tribunal.
3. That the appellant has got no cause of action.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.

Para-wise comments by respondents are submitted as below:-

1. Incorrect. The appellant was enlisted as Constable on 15.01.2009 in the Police Department and not in the year 2008.
2. Incorrect. The written reply furnished by the appellant in response to Show Cause Notice No. 739/PA/SCN/R dated 24.08.2012 itself negates his plea of serious illness which has been agitated now by him.

(Copy of written reply is enclosed as Annexure "A")

3. Pertains to record.
4. Incorrect. The order dated 11.09.2012 passed by respondent No. 3, whereby the appellant was dismissed from service, is justified under the law. The appellant was given proper opportunity of defence in accordance with law.
5. Incorrect. The order dated 04.02.2013 passed by respondent No. 2 is in consonance with law. The appellant was provided opportunity of personal hearing in orderly room held on 23.01.2013 but he could not produce any cogent reasons about his absence from duty for the long period of about one year, 3 months and 7 days.

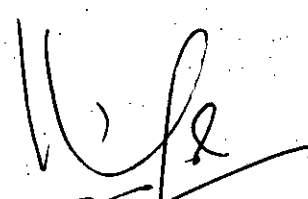
(Copy of order dated 04.02.2013 is enclosed as Annexure "B")


6. Incorrect. The orders passed by respondents No. 2 & 3 are quite legal and justified under the law.


COMMENTS ON GROUNDS

- A) Incorrect. The appellant has been treated in accordance with law/rules. His rights under the law have never been violated by the respondents.
- B) Incorrect. All codal formalities were strictly complied with and the appellant was treated in accordance with law.
- C) Incorrect. The order passed by respondent No. 1 is quite legal and based on facts as well as law/rules.
- D) Incorrect.
- E) Incorrect. As stated above in Para No. 5, the appellant was provided opportunity of personal defence by respondent No. 2. He was heard in person in orderly room held on 23.01.2013.
- F) Incorrect. As stated in Para No. 2, the plea of the appellant regarding his illness is negated by his written reply which was furnished by him in response to Show Cause Notice.
- G) Incorrect. The appellant was rightly dismissed from service under the law/rules on account of his long absence from duty without any leave/permission from the competent authority.
- H) The defendants also seek permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of this service appeal.

In the above circumstances, it is humbly prayed that the appeal of the appellant being baseless and devoid of legal force, may kindly be dismissed.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 1)


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.**
(Respondent No. 2)


**District Police Officer,
Mardan.**
(Respondent No. 3)

Annexure A

In Respect of

The District Police Officer.
Mardan.

Subject: Reply to the Show Cause
Notice No. 739/PA/SCN/R Date 24/8,

Respect Sir

The Reply is hereby submitted
as under.

- 1) That I am the only male member
having nine sisters and old Parents.
- 2) That during the said period my
mother remained ill throughout.
moreover my sister is a Psychiatric Patient
and I had to look after her during
the said period my sister a number
of times bring for Doctor check up
the record of my sister check up
(are attached here with reply.)
- 3) that after controlling the domestic
problems. I joined ...

(2)

I am performing my duty with full
zeal since 21/05/2012.

4) - that application for leave were
submitted but were turned down.

5) - that I request that I may please
be given a chance I will not repeat
any mistake in future.

It is therefore requested that I
may please be pardoned and reply
may please be accepted sympathetically
on humanitarian grounds. & kindly
issue order for the release of my
pay.

Dated: 07/09/2012

Service's period
1 year @ 3 months
within days

Obediently yours.

Fazal Malik

No: 2604 Constable
Deletion Division

Annexure "B"

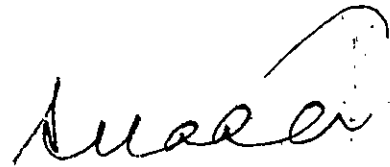
ORDER.

My this order will dispose off the appeal preferred by Ex-Constable Fazli Malik No. 2604 of Mardan District Police against the order of dismissal issued by the District Police Officer, Mardan vide OB: No. 2533 dated 11.09.2012, on the basis of allegation that he while posted in Police Station Rustam absented himself from lawful duty for one year, three months and seven days without any leave/permission by the competent authority. His absence report was entered in DD No. 05 dated 14.12.2011 and No. 31 dated 21.05.2012

In this connection, he was served with Show Cause Notice under NWFP Police Rules 1975, issued vide District Police Officer, Mardan office No. 739/PA/SCN/R dated 24.08.2012, to which his reply received but failed to justify his absence from duty and failed to give any cogent/plausible reason in his defence.

I have perused the record and also heard the appellant in person in Orderly Room on 23.01.2013. He failed to justify his absence and could not produce any cogent reason about his absence of 01 year, 03 Months & 07 days. Therefore, I **ABDULLAH KHAN KHAN (PSI)** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the legal order passed by the competent authority issued vide OB: No. 2533 dated 11.09.2012 and the appeal is filed.

ORDER ANNOUNCED.



(ABDULLAH KHAN)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 392 /ES, Dated Mardan the 4/2 /2013.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office memo no: No. 446/LB dated 22.11.2013. He may be informed accordingly.

His Service Record are returned herewith.

(S. Roll, P.M.)

(*****)

EC/OASi
for notations

164
7/2/013
DPO, Mardan
6/2/13

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

Service Appeal No. 509/2013.

Fazl-e-Malik Ex-Constable No. 2604, r/o Police Station Rustam District


Mardan.....Appellant.

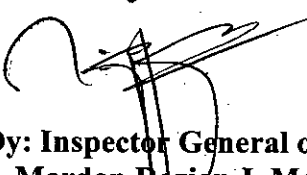
VERSUS.

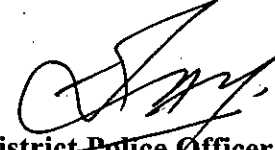
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Mardan.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)**


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)**


**District Police Officer,
Mardan.
(Respondent No. 3)**

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

Service Appeal No. 509/2013.

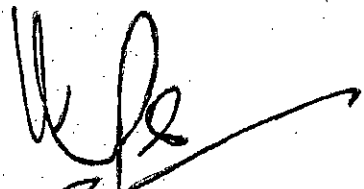
Fazl-e-Malik Ex-Constable No. 2604, r/o Police Station Rustam District
Mardan.....Appellant.

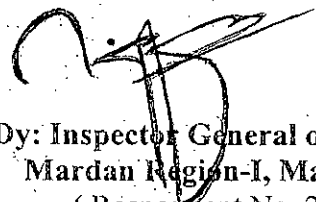
VERSUS.

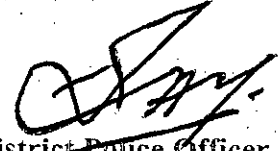
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Mardan.....Respondents.

AUTHORITY LETTER.

Mr. Abdul Aziz Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


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


Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)


District Police Officer,
Mardan.
(Respondent No. 3)

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

Service Appeal No. 509/2013.

Fazl-e-Malik Ex-Constable No. 2604, r/o Police Station Rustam District

Mardan.....Appellant.

VERSUS.

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Mardan.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. That the appellant has not come with clean hands to this Honourable Tribunal.
2. That the appellant has concealed material facts from this Honourable Tribunal.
3. That the appellant has got no cause of action.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.

Para-wise comments by respondents are submitted as below:-

1. Incorrect. The appellant was enlisted as Constable on 15.01.2009 in the Police Department and not in the year 2008.
2. Incorrect. The written reply furnished by the appellant in response to Show Cause Notice No. 739/PA/SCN/R dated 24.08.2012 itself negates his plea of serious illness which has been agitated now by him.

(Copy of written reply is enclosed as Annexure "A")

3. Pertains to record.
4. Incorrect. The order dated 11.09.2012 passed by respondent No. 3, whereby the appellant was dismissed from service, is justified under the law. The appellant was given proper opportunity of defence in accordance with law.
5. Incorrect. The order dated 04.02.2013 passed by respondent No. 2 is in consonance with law. The appellant was provided opportunity of personal hearing in orderly room held on 23.01.2013 but he could not produce any cogent reasons about his absence from duty for the long period of about one year, 3 months and 7 days.

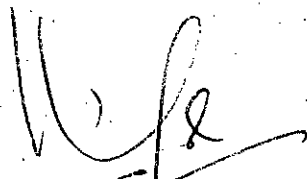
(Copy of order dated 04.02.2013 is enclosed as Annexure "B")

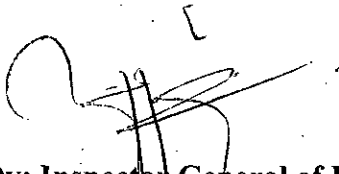
6. Incorrect. The orders passed by respondents No. 2 & 3 are quite legal and justified under the law.

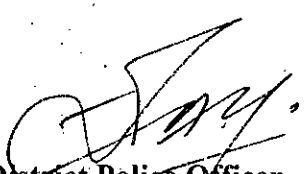
COMMENTS ON GROUNDS

- A) Incorrect. The appellant has been treated in accordance with law/rules. His rights under the law have never been violated by the respondents.
- B) Incorrect. All codal formalities were strictly complied with and the appellant was treated in accordance with law.
- C) Incorrect. The order passed by respondent No. 1 is quite legal and based on facts as well as law/rules.
- D) Incorrect.
- E) Incorrect. As stated above in Para No. 5, the appellant was provided opportunity of personal defence by respondent No. 2. He was heard in person in orderly room held on 23.01.2013.
- F) Incorrect. As stated in Para No. 2, the plea of the appellant regarding his illness is negated by his written reply which was furnished by him in response to Show Cause Notice.
- G) Incorrect. The appellant was rightly dismissed from service under the law/rules on account of his long absence from duty without any leave/permission from the competent authority.
- H) The defendants also seek permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of this service appeal.

In the above circumstances, it is humbly prayed that the appeal of the appellant being baseless and devoid of legal force, may kindly be dismissed.


**Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar,
 (Respondent No. 1)**


**Dy: Inspector General of Police,
 Mardan Region-I, Mardan.
 (Respondent No. 2)**


**District Police Officer,
 Mardan.
 (Respondent No. 3)**

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Respect of

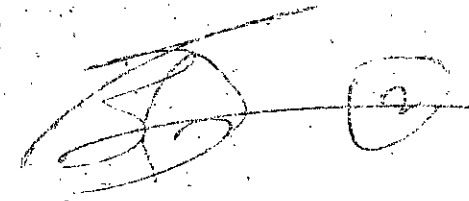
The District Police officer
Mardan.

Subject: Reply to the Show Cause
Notice No. 739/PA/SCN/R Date 24/

Respect Sir

The Reply is hereby submitted
as under.

- 1) That I am the only male member
having nine sisters and old Parents.
- 2) That during the said period my
mother remained ill throughout.
moreover my sister is a Psychiatric Patient
and I had to look after her. During
the said period my sister a number
of times bring for Doctor check up
the record of my sister check up
(are attached here with Reply.)
- 3) that after controlling the domestic
problems I joined ...



I am performing my duty with full zeal since 21/05/2012.

4) - that application for leave were submitted but were trun down.

5) - that I request that I may please be given a chance I will not repeat any mistake in future.

It is therefore requested that I may please be pardone and reply may please be accepted sympathetically on humanitarian grounds. I kindly issue order for the release of my pay.

Dated: 07/09/2012

Obediently yours.

Leave's period
in year (3) months
in days

Fazab Malik

No. 2604 Constible
Deletion Division

10

ORDER.

My this order will dispose off the appeal preferred by Ex-Constable Fazli Malik No. 2604 of Mardan District Police against the order of dismissal issued by the District Police Officer, Mardan vide OB: No. 2533 dated 11.09.2012, on the basis of allegation that he while posted in Police Station Rustam absented himself from lawful duty for one year, three months and seven days without any leave/permission by the competent authority. His absence report was entered in DD No. 05 dated 14.12.2011 and No. 31 dated 21.05.2012

In this connection, he was served with Show Cause Notice under NWFP Police Rules 1975, issued vide District Police Officer, Mardan office No. 739/PA/SCN/R dated 24.08.2012, to which his reply received but failed to justify his absence from duty and failed to give any cogent/plausible reason in his defence.

I have perused the record and also heard the appellant in person in Orderly Room on 23.01.2013. He failed to justify his absence and could not produce any cogent reason about his absence of 01 year, 03 Months & 07 days. Therefore, I **ABDULLAH KHAN KHAN (PSI)** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the legal order passed by the competent authority issued vide OB: No. 2533 dated 11.09.2012 and the appeal is filed.

ORDER ANNOUNCED.

(Signature)
(ABDULLAH KHAN)PSP

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

No. 392 /ES, Dated Mardan the 4/2 /2013.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office memo: No. 446/LB dated 22.11.2013. He may be informed accordingly.

His Service Record are returned herewith.

(S. Rabbani, P.M.)

(*****)

EC/OASi
for Mardans

164
7/2/13
DPC, Mardans
6/2/13

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 509/2013

Fazl-e-Malik Ex Constable No. 2604, R/O Police Station Rustam,
District Mardan..... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
others..... (Respondents)

REPLICATON ON BEHALF OF THE APPELLANT TO
THE REPLY SUBMITTED BY THE RESPONDENTS.

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has come to the Honourable Tribunal with clean hands.
2. Contents incorrect and misleading, no material facts has been concealed from this Honorable tribunal.
3. Contents incorrect and misleading, the appellant has been awarded major penalty of dismissed without any proper procedure, hence he has got necessary cause of action.
4. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.
5. Contents incorrect and misleading, the appeal being filed in accordance with the prescribed rules and procedure, hence maintainable in its present form.



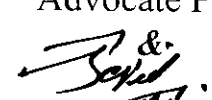
ON FACTS:

1. Contents of para 1 of the appeal is correct, the reply submitted to the para is incorrect and misleading.
2. Contents are incorrect and misleading, though at the relevant period the mother and sister of the appellant were also ill, however the absence of the appellant was mainly due to his own illness he also submitted an application for leave, however the same was purposely misplaced and not brought on record. Moreover regarding his illness he duly produced medical Slips / OPD Chits with the reply to the show cause notice, the same are also annexed with the instant appeal.
3. Contents need no reply, however contents of Para 3 of the appeal are true and correct.
4. Contents of Para 4 of the appeal are correct, the reply submitted to the Para are incorrect and misleading, the appellant duly produced medical slips/ OPD chits to the respondents regarding his illness, therefore, regular inquiry was necessary in the instant case before awarding him the major penalty. Moreover the respondents while awarding the penalty of dismissal to the appellant, had also regularized his absence period by treating it as leave without pay, thus the very ground had vanished on which the appellant had been proceed against. Thus the whole proceedings as well as the order of penalty are nullity in the eye of law.
5. Contents of para-5 of the appeal are correct, the reply submits to the para is incorrect and misleading.
6. Contents of para-6 of the appeal are correct, reply submitted is incorrect and misleading.

GROUND OF APPEAL:

The grounds (A to H) taken in the memo of the appeal are legal and will be substantiated at the hearing of this appeal.

It is therefore, humbly prayed that on acceptance of this replication, the service appeal of the appellant may please be accepted as prayed for.


Appellant
 Through

IJAZ ANWAR
 Advocate Peshawar

SAJID AMIN
 Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

In the matter of
Appeal No. 509/2013

Fazl-e-Malik Ex Constable No. 2604, R/O Police Station Rustam,
District Mardan..... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
others..... (Respondents)

AFFIDAVIT

I *Fazl-e-Malik Ex Constable No. 2604, R/O Police Station Rustam, District Mardan*, do hereby solemnly affirm and declare on oath that the contents of the above replication as well as appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1964 /ST

Dated 23 /11 / 2016

To

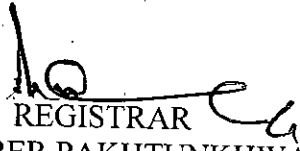
The D.P.O,
Mardan.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 15.11.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

POWER OF ATTORNEY

In the COURT of 12 P/K Severe Fribul Pesh
Fazal Malik

For:
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

P.D.O. Peshawar

Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Case No: _____ of _____
Fixed for _____

I/WE, the undersigned, do hereby nominate and appoint

MR. IJAZ ANWAR ADVOCATE, HIGH COURT, PESHAWAR

Signed my true and lawful attorney, for me in my name and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any appellate Court on any Court to which the business is transferred in the above matter and is agreed to sign and file PETITIONS. An appeal, statements, accounts; exhibits, compromises or other documents whatsoever, in connection with the said matter or any matter arising there-from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to do all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may per proper and expedient.

AND I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/We undertake at time of calling of the case by the court/ my authorized agent shall inform the Advocate and make him appear in court, if the case may dismissed in default, if it be proceeded ex-parte the said counsel shall not held responsible for the same. All cost awarded in favour shall the right of Counsel or his nominee, and if awarded against shall payable by me/us.

IN WITNESS whereof I/We have hereto signed at _____ the _____ day to _____ in the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT

FR-3, 4th Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.

Ph: 091-52772054 Mobile: 0333-9107225

Accepted.

[Signature]

*Sajid Amin
Advocate Pesh.*