

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

at Camp Court D-1-Khan

SERVICE APPEAL NO. 677/2013

Date of institution ... 18.04.2013

Date of judgment ... 25.04.2016

Sohail Iqbal,
Ex. Constable
R/O Mohallah Jamundan-wala, D.I Khan City,
District D.I Khan:

... (Appellant)

VERSUS

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Deputy Inspector General of Police D.I. Khan Range, D.I.Khan.
3. District Police Officer, D.I. Khan.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 06.03.2013 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

Mr. Muhamamd Ismail Alizai, Advocate.
Mr. Farhaj Sikander, Government Pleader.

.. For appellant.
... For respondents.

MR. PIR BAKHSH SHAH
MR. ABDUL LATIF

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT


PIR BAKHASH SHAH, MEMBER: The appellant a police constable was dismissed from service vide order dated 10.02.2012 and his departmental appeal was also rejected on 06.03.2013 hence this appeal under Section-4 Of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Arguments heard and record perused.

3. It transpired from perusal of the record that while posted at Police Station Pakhar Pur, D.I. Khan, he absented himself from duty w.e.f 10.06.2011 to 15.07.2011 and again from

23.10.2011 onward till he was dismissed from service on 10.02.2012. The reason mentioned in the appeal is that of illness of his father and secondly the mishap that his house was allegedly washed away by heavy rains. According to the department, the appellant is a habitual absentee who had once previously also been dismissed from service vide order dated 22.06.2009 when instead of performing duty at District Swat he absented himself. There is no material on record suggesting illness of his father or damage to his house because of heavy rains. The impugned order shows that he was served with a charge sheet and statement of allegation and the enquiry officer Malik Mushtaq Ahmad, DSP Head Quarter D.I.Khan had found him guilty of the charges. He was also issued a final show cause notice. The conduct of the appellant which reflected from the record seems to be that of an unwilling worker for the Police duty. Consequently, the Tribunal does not see justification to interfere in the impugned order. The appeal is, therefore, dismissed. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.04.2016


(ABDUL LATIF)
Member


(PIR BAKHSH SHAH)
Member

25.01.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP for respondents present. Learned counsel for the appellant requested for adjournment. To come up for arguments on 28.03.2016 before D.B at camp court D.I.Khan.



Member



Member
Camp Court, D.I. Khan

28.3.2016

Appellant with counsel and Farhaj Sikandar, GP alongwith Nazir Ahmiad, HC for the respondents present. Arguments heard. To come up for order on 25.4.16 at Camp Court, D.I.Khan.



Member



MEMBER

Camp court, D.I.Khan

25.04.2016

Appellant with counsel and Mr. Nazir Ahmad, HC alongwith Mr. Farhaj Sikandar, GP for respondents present.

Vide our detailed judgment of to-day placed on file, this appeal decided as per detail judgment. Parties are left to bear their own costs. File be consigned to the record.

Announced
25.04.2016



MEMBER



MEMBER
Camp Court D.I. Khan

677/2013

26.05.2015

Appellant in person and Farhaj Sikandar, GP with Nazir Ahmad, H.C for the respondents present. Rejoinder submitted. Copy handed over to the learned GP. To come up for arguments 27.7.2015 at camp court, D.I.Khan.



MEMBER
Camp court, D.I.Khan

27.07.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Nazir Ahmad, H.C for the respondents present. The Bench is incomplete, therefore, case to come up for arguments on 24-11-2015 at camp court, D.I.Khan.



MEMBER
Camp court, D.I.Khan

24.11.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Attaullah, SI (Legal) for the respondents present. Since D.B for touring Bench, D.I.Khan is incomplete, therefore, case is adjourned to 27-1-16 for arguments at camp court, D.I.Khan.



MEMBER
Camp Court, D.I.Khan

27-10-2014

Counsel for the appellant and Raziz Ahmed H.C. with G.P. for respondents present. Rejoinder not received. To come up for rejoinder on 29-12-14 at Camp Court, D.I.K.

Registrar
Camp Court, D.I.K.

29-12-14

Present as before on 27-10-14 without G.P. Rejoinder not filed due to incomplete bench. Case adjourned to 26-1-2015 for rejoinder at Camp Court, D.I.K.

Registrar
Camp Court, D.I.K.

26-1-15

No one is present on behalf of appellant. Attaullah, S.I. legal with G.P. present for respondents. Rejoinder not received. To come up for rejoinder on 24-2-2015 at Camp Court, D.I.K.

Member
Camp Court, D.I.K.

26-2-14

No one for appellant and Raziz Ahmed, H.C. for respondents with G.P. present. Rejoinder not received. To come up for rejoinder on 26-5-15 at Camp Court, D.I.Khan,

Member
Camp Court, D.I.K.

2-1-14. Counsel for the appellant and Nazir Ahmed H.C. for respondents with G.P. present. Rejoinder not received. To come up for rejoinder on 24-2-14 at camp court, D.I. Khan.

Member
Camp Court, D.I. Khan.

24-2-2014. No one for appellant present. Nazir Ahmed H.C. for respondents with G.P. present. Rejoinder not received. To come up for rejoinder on 24-3-2014 at Camp Court, D.I. Khan.

Member
Camp Court, D.I.K.

24-3-2014. Present as before on 24-2-2014. Rejoinder not received. To come up for rejoinder on 26/5/14 at camp court, D.I.K.

Member
Camp Court, D.I.K.

26-5-2014. Appellant in person and Nazir Ahmed H.C. for respondents with G.P. present. Rejoinder not received. To come up for rejoinder on 29-9-2014 at camp court, D.I. Khan.

Member
Camp Court, D.I.K.

29-9-2014. Present as before i.e. 26-5-14. Rejoinder not received. To come up for rejoinder on 27-10-2014 at camp court, D.I. Khan.

Legally
Registered

28-5-2013.

Appellant with counsel present. No one is present on behalf of respondents. The Bench could not proceed to D.I. Khan owing to promulgation of K.P.R. ordinance No. 11 of 2013. Case adjourned to 25-6-2013 at Camp Court, D.I. Khan. Fresh notices be issued to respondents for submission of written reply on the date fixed.

W. Suley
Registrar
Camp Court, D.I. Khan

25-6-2013:

Counsel for the appellant and G.P. for respondents present. The L/Bench could not tour to D.I. Khan, owing to promulgation of K.P.R. ordinance No. 11 of 2013. Case adjourned to 24-9-2013 for written reply at Camp Court, D.I. Khan.

W. Suley
Registrar
Camp Court, D.I. Khan

24-9-13:

Appellant with counsel present. Mr. Nazir Ahmed for respondents with G.P. present and requested for time to file reply. To come up for written reply on 29-10-2013 at Camp Court, D.I. Khan.

W. Suley
Member
Camp Court, D.I. Khan

29-10-2013

Appellant in person and Mr. Nazir Ahmed, H.C. with G.P. for respondents present. Written reply on behalf of respondents filed, copy whereof is handed over to the appellant for rejoinder, if any. To come up for rejoinder on 30-12-2013 at Camp Court, D.I. Khan.

W. Suley
Member
Camp Court, D.I. Khan


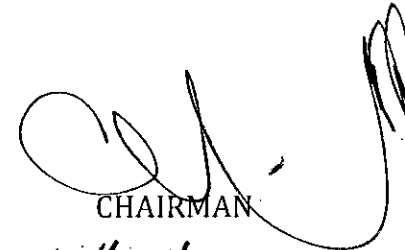
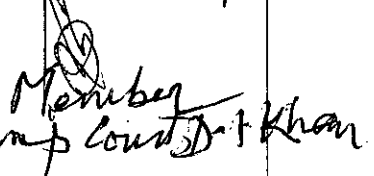
Appellant deposited
of Press fee & Security
Rs. 180/- Bank Receipt
attached with file.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 677/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/04/2013	<p>The appeal of Mr. Sohail Iqbal presented today by Mr. Muhammad Ismail Alizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-4-2013	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up there on <u>23-4-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	23-4-2013	<p><i>Counsel for the appellant present and heard. The L/counsel contended that appellant has not been treated in accordance with Law. No charge sheet statement of allegations, Final show cause notice have been served upon him before dismissing from Service. He was also condemned unheard. Points raised need consideration. Admit subject to all just exceptions, including limitations. The L/counsel also moved application for condonation of delay. Process fee and security be deposited within 10 days. Thereafter, notices be issued to the respondents for written reply on 28-5-2013 at camp Court, D.I. Khan.</i></p> <p style="text-align: right;"> Member Camp Court D.I. Khan</p>

Appellant deposited security and process fee in state Bank Peshawar - Chakran placed on file

D.F.A

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 677/2013

Date of institution ... 18.04.2013
Date of judgment ... 25.04.2016

Sohail Iqbal,
Ex. Constable
R/O Mohallah Jamundan-wala, D.I Khan City,
District D.I Khan.

... (Appellant)

VERSUS

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Deputy Inspector General of Police D.I. Khan Range, D.I.Khan.
3. District Police Officer, D.I. Khan.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 06.03.2013 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED:

Mr. Muhamamd Ismail Alizai, Advocate.
Mr. Farhaj Sikander, Government Pleader.

.. For appellant.
.. For respondents.

MR. PIR BAKHSH SHAH
MR. ABDUL LATIF

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

PIR BAKHASH SHAH, MEMBER: The appellant a police constable was dismissed from service vide order dated 10.02.2012 and his departmental appeal ^{is} also rejected on 06.03.2013 hence this appeal under Section-4 Of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Arguments heard and record perused.

3. It transpired from perusal of the record that while posted at Police Station Pakhar Pur, D.I. Khan, ^{he} ~~he~~ absented himself ^{from duty} w.e.f 10.06.2011 to 15.07.2011 and again from 23.10.2011

E. Wrong and denied. The reply has been given in the above said paras.

F. Wrong and denied. The appellant is entitled for the grant of selection grade as per prevailing law and government policy.

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

Appellant

Through


Ghulam Nabi Khan

Dated: __/05/2013

Advocate Supreme Court

^{file}
 onward ~~when~~ he was dismissed from service on 10.02.2012. The reason mentioned in the appeal is that of illness of his father and secondly the mishap ^{that} of his house ~~which~~ was allegedly washed away by heavy rains. According to the department the appellant is a habitual absentee who had once previously also been dismissed from service vide order dated 22.06.2009 ~~who~~ ^{when} instead of performing duty at District Swat ^{he} absented himself. There is no material on record suggesting illness of his father or a damaging ^{to} of his house ^{because} because of heavy rains. The impugned order shows that he was served with a charge sheet and statement of allegation and the enquiry office ^{was} Malik Mushtaq Ahmad, DSP Head Quarter D.I.Khan had found him guilty of the charges. He ^{has} also issued a final show cause notice. The conduct of the appellant which ^{reflects} from the record, seems to be ^{that of} an unwilling worker for the Police duty. Consequently the Tribunal does not see justification to interfere in the impugned order, the appeal is therefore, dismissed. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
 25.04.2016

(PIR BAKHSH SHAH)
 Member

(ABDUL LATIF)
 Member

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTOON KHAWA, PESHAWAR

Service Appeal No. 2823/2010

Hazrat Usman, Headmaster, GHS, Baghban Pura, Akora
Khattak, Ex-SET (BPS-16) **Appellant**

VERSUS

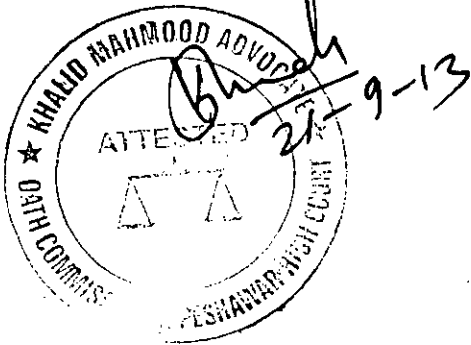
Secretary, Elementary & Secondary Education
Department & others..... **Respondents**

A F F I D A V I T

I, Ghulam Nabi Khan, Advocate Peshawar, as per information and instructions of my client, do hereby solemnly affirm and declare that the contents of the accompanying Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Ghulam Nabi Khan

Ghulam Nabi Khan
Advocate, Supreme Court



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BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 677 /2013.

Sohail Iqbal, Ex.Police Constable No.1755. Appellant.

Versus

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

Service Appeal

I N D E X

<u>S.No.</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page(s)</u>
1.	Petition with Grounds of Appeal & affidavit.	--	
2.	Copies of final Show Cause Notice & of Impugned Order.	A, A-1	
3.	Copies of Deptl: appeal / Order thereon.	B & C	
4.	Vakalat-Nama.	--	

Dated: 5.4.2013.

Sohail
(Sohail Iqbal) Appellant
Through Counsel

(Muhammad Ismail Alizai), AFC.

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No: 677 /2013.

D.I.W.P. Peshawar
Service Tribunal
Case No. 795
dated 18/4/13

Sohail Iqbal,
Ex. Constable No.1755.
S/o, Muhammad Iqbal Yousofzai,
r/o Mohallah Jamundan-wala, D.I.Khan City, District D.I.Khan.

(Appellant)

Versus

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Deputy Inspector General of Police, Dera Ismail Khan Range, D.I.Khan,
3. District Police Officer, D.I.Khan.

(Respondents)

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

SERVICE APPEAL AGAINST, FIRSTLY, THE ORDER DTD 10.02.2012 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE BY RESPDT: NO. 3, AND FINALLY, AGAINST ORDER No: 5549/E-II DATED 6.03.2013 OF RESPDT: NO.2 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

Respectfully Sheweth: -

The appellant very humbly submits as under: -

BRIEF FACTS:

1. That the petitioner was inducted in Police Department as Constable and posted at District DIKhan. Prior to implementation of the impugned orders the petitioner had been serving under Respondent No.3 while Respondent No.2 is the appellate authority and Respondent No.1 commands overall authority in respect of the parties, thus all are necessary party to the lis.

2. That the appellant always striven hard to discharge and fulfill the duties and tasks assigned to him with due diligence and dedication. Service record of the appellant spread over a period of about 5 years is otherwise unblemished, clean and devoid of any adverse markings since nothing of the sort has ever been conveyed to the appellant in this respect.
3. That during June 2011 father of the appellant suddenly fell ill and was rendered unable to attend his ordinary chores, requiring a full time attendant under the medical advice. Since there was no family member available to take up the responsibility except the petitioner / appellant, the situation rendered the appellant incapable of resuming his duties.
4. That the departmental authority was in due course approached for grant of leave on above said grounds but to no avail and the request was even not entertained.
5. That later the appellant suffered yet another mishap as his house was washed away in result of heavy rains and flooding, rendering the appellant incapable of resuming duties but to save his family and belongings.
6. That later, the appellant was subjected to departmental action on the allegation of absence from duty, yet at his back. The matter was allegedly assigned for inquiry to DSP/Hqs, D.I.Khan who while apparently pushing the proceedings in a slipshod manner, conveyed his inquiry report yet without any lawful, justifiable and sustainable basis or foundation and material or evidence brought on records in any manner and recommended award of punishment to the appellant, as could be gathered from impugned order.
7. That the matter having been put-up for consideration to the authority i.e respondent No.3 culminated in award of punishment to the appellant of the kind Dismissal from Service in a cursory proceedings conducted in the name of Final Show Cause Notice, though never served. Copies of Final Show Cause Notice & impugned order could only be obtained after getting knowledge of the issue / matter through personal source. Copy of impugned Order of DPO, DIKhan i.e. respondent No.3 along with final show cause notice are attached herewith at Annex A to A
8. That aggrieved from the order of respondent No.3, the appellant moved an appeal with respondent No.2 seeking reinstatement in service on the grounds mentioned therein. The petition of appeal however, could not find favour with respondent No.2 and was dismissed / rejected vide order dated 6.03.2013. Copies of appeal filed by the appellant, and the order of respondent No.2 are placed herewith at Annexes B & C, respectively.
9. That left with no other remedy, the appellant approaches this Hon'ble tribunal seeking reinstatement in service with all back benefits in consequence of setting aside of the impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.



Grounds:

1. That the orders passed by departmental authorities i.e respdts: No.2 & 3, impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect, ultra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified.
2. That the appellant is innocent and has been subjected to the penalty for no fault on his part. DPO DIKhan (Respondent No.3), failed to regulate the departmental inquiry in accordance with the law & procedures prescribed for the purpose and as such erred at the very outset of the proceedings thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defense. The appellant though could have been contacted at his home address but was never conveyed any charge sheet or informed of any departmental proceedings at all.
3. That it is a matter of record that the appellant has been vexed in clear defiance of the law and principle laid by the superior courts as well as the Tribunals as could be gathered from the facts and circumstances of the case. The appellant was within his right to be allowed leave on grounds as afore said which would not be denied as per Leave Rules.
4. That the respondents while adjudicating in the matter of departmental proceedings and the appeal / representation of the appellant, disposed off the entire matter in a slipshod manner through the orders impugned hereby thus the award of impugned punishment is patently unwarranted, illegal, ultra-vires, nullity in law and apparently motivated for extraneous reasons and is not sustainable nor maintainable in law.
5. That the appellant had sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defiance of law as aforesaid, deprived the family of the appellant of its only means of earning livelihood.
6. That the orders passed by the respondents on holding of departmental proceedings including the order on award of punishment as well as the one in respect of the departmental representation / appeal, as impugned hereby, have infringed the rights and have caused grave miscarriage of justice to the appellant without any lawful excuse.
7. That while ignoring the rights of the appellant guaranteed by the constitution, the departmental authorities / respondents utterly failed to adopt a proper course & follow due procedure hence erred in disposal of the matter in accordance with the law and rules. The impugned orders passed by Respodt: No.3 and Respondent No.2 thus lack in legal sanction and therefore, are liable to be set aside in the interest of justice.



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

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned order dated 10.02.2012 passed by DPO, DIKhan over OB No. 262 dtd. 11.2.2012 and the appellate order of respondent No.2 dated 6.03.2013 may, on being declared as illegal, arbitrary, discriminatory, void ab-initio, ineffective and inoperable against the appellant, be very graciously set aside and the appellant / petitioner may in consequence thereof be very kindly reinstated in service with allowance of all back benefits. Grant of any other relief including costs, as may be deemed appropriate by the Hon`ble Tribunal is solicited, too.

Dated: 5.4.2013

Humble Appellant,

Sohail

(Sohail Iqbal) Appellant,

Through Counsel.

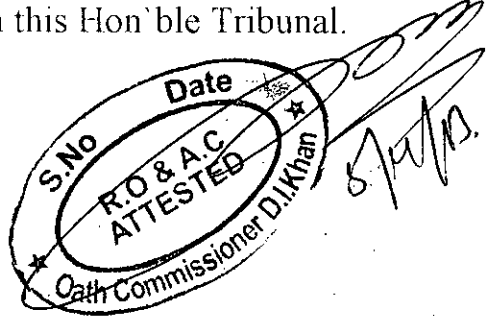
Muhammad Ismail Alizai

(Muhammad Ismail Alizai)
Advocate High Court.

AFFIDAVIT:

Dated: 5.4.2013.

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



Sohail

Deponent.

(6) (A)

FINAL SHOW CAUSE NOTICE

I, SOHAIL KHALID District Police Officer, DIKhan, as competent authority under the Khyber Pakhtunkhwa removal from service (Special Power) Ordinance-2000 (Amendment Act 2005), do hereby served you C. Asible Sohail Iqbal No.1753 as follow:

- 1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Committee/Officer for which you were given opportunity for hearing vide this office communicator No. 11924-25, dated 10.08.11.
- (ii) On going through the findings and recommendations of the enquiry officer, the material on record and other connected papers including your defence before the said committee.

specified in section-3 of the said ordinance.

You while posted at Police Station Paharpur DIKhan, absented yourself from your full duties w.e from 10.06.2011 to 12.07.2011 & 23.10.2011 to till date without any leave/permission from higher authorities.

- 2. As a result thereof, I SOHAIL KHALID, District Police Officer, DIKhan as competent authority have tentatively decided to impose upon you the penalty of Major/Minor punishment u/s 3 of the said ordinance.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
- 4. If no reply to this notice is received within 7-days of its service, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.
- 5. The copy of finding of the enquiry officer is enclosed.

District Police Officer,
Dura Ismail Khan

[Handwritten signature]
2/11/2011

[Handwritten notes]
P.S. - up to 45
DB

[Handwritten notes]
C.A.
S.A.

17
A

ORDER

This order is aimed to dispose off the department proceeding against Constable Sohail Iqbal No.1755 on the charges that he while posted at PS/Paharpur DIkhan, absented himself from lawful duty with effect from 10.06.2011 to 12.07.2011 & 23.10.2011 to till date without any leave and permission from higher authorities.

The defaulter Constable was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Malik Mushtaq Ahmad, DSP/HQrs: DIKhan. The Enquiry Officer in his finding the defaulter Constable found guilty of the charges levelled against him. His reply to the charge Sheet/Final Show Cause Notice was received and placed on record.

In the light of above, I, SOHAIL KHALID, District Police Officer DIKhan in exercise of powers conferred upon me under the KPK Removal from Service (Spl: Powers) Ord: 2000, Amendment Act-2005, awarded against Constable Sohail Iqbal No.1755 major Punishment Dismissal from Service and absent period treated as leave without pay with immediate affect.

ORDER ANNOUNCED

Dated 10.02.2012

District Police Officer,
Deva Ismail Khan

[Signature]
10/2

Register No. 257

Application received on 21/11/11

Copying fee deposited on 21/11/11

Judgemental fee for copying on 21/11/11

Name of party Sohail Iqbal

Urgent fee No. 1755

Name of copyist 07-07-12

Copy completed on 07-08-12

Copy delivered to Appeal

Name of copyist Appeal

O.B. 262
D/- 11-2-12

Attested

[Signature]
[Signature]
[Signature]

Ph: 0966-9280287
Fax: 0966-9280290

8

From The Dy. Inspector General of Police,
Dera Ismail Khan Range

To The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

No. 684 /ES Dated D.I.Khan the 22 /02/2013

Subject: **APPEAL**
Memorandum:

Enclosed please find herewith an appeal preferred by Ex-Constable Sohail Iqbal No.1755 of DIKhan District requesting therein for reinstatement in service, for consideration, please.

Bo' (as above)

o/l

Q
(MOHAMMAD ALI BABA KHEL) PSP
Deputy Inspector General of Police,
Dera Ismail Khan Region

18/2

P/16

بخدمت جناب D. I. G صاحب ضلع دیوبند ایسٹیل خان

B

No. 2120/27
07.15.8.12

EX کینٹیل سپر اقبال نمبر 1755 ولید محمد اقبال قوم
یوسف زئی سکندر محلہ چندا اڈوالہ مٹی ڈیوبند ایسٹیل خان

DPO/DIK

For detail Comments
aliquia serial record.

بیت

DIG/Dukhan

1578

بیت

Muhammad
Iqbal
M.A.

D.J. Khan, Range.

OB. NO 262
11.2.12 Mercy Petition بنا رافی حکم جوالہ

بجانب D.P.O صاحب ڈیوبند ایسٹیل خان صلیبی رو سے

صاحب دیوبند نے بر بنائے غیر حاضر کی صورت میں 10/11

سے بغیر تقواہ کے از ملازمت بعہرہ کینٹیل پوکس ڈیوبند

ایسٹیل خان سے ڈکس کیا ہے۔

18/11
M.A.

اسدعا Mercy Petition

بجانبی Mercy Petition

حکم عدالت 11/2/12 عیارہ D.P.O ڈیوبند مندرجہ از تاریخ

ڈکس سے غیر حاضر ہونے اور عدالت کی کو انشائیہ ڈکس

سے بعہرہ کینٹیل بحال فرمایا جا کر غیر حاضر کی تقواہ بھی لکھا

عدالت کی جانب سے اسدعا نام غیر حاضر کی کو رضیت عدالت کو فرمایا جائے

1/16

دعوتِ مہربانی = Mercy Petition

جناب عالی! سائل صاحب ذیل عرضی میں ہے۔
- یہ کہ سائل مورخہ 26/11/57 کو بھوکے کھیل و سرگرم
پولیس پھیرے جبری طور پر روک کر کھیل کھیل بھی وہاں
گیا پورا ہے۔

- یہ کہ سائل نے کھانہ پوکھن کے مختلف کوشش سے
دین، دیکھ کر شہرہ و غیرت بھی کھینچے ہیں اور
کھانہ پوکھن کی کوششیں کا سائل کو سخت پتہ ہے۔

- یہ کہ سائل کی فیملی کا معاشی حالات اور سائل کی
تعلیمی حالت، مورخہ 11/11/57 کو وال صاحب شہرہ پورا
پتہ چنانچہ بننا ہے۔ لیوری اسی لئے ہے۔ اس وقت
ان کے لئے و رخصت کوشش طلب ہوئی لیکن اس لئے
نہ رخصت دینے سے اس کا کچھ پتہ چلے گا۔
11/11/57 کو ایک تقریباً کم از کم ایک ماہ غیر حاضر
ہوا کہ والد صاحب کا انتقال ظاہر ہو گیا ہے۔
اس لئے معاملہ کھلا گیا۔ چنانچہ جبری طور پر سائل
کا مکان جو جہاں سے سائل کو روک کر لیا گیا
تو پھر اس لئے پولیس سے رخصت کوشش طلب ہوئی

جنہوں نے روایت کی ہے اسکا کوئی اور پتہ نہیں ملتا
 پتہ 23/3 ہے غنیمت مندرجہ بالا اور شہر میں مکان
 کی تعمیر کرنا سے بچنا ہے۔ جب تک تعمیر نہ کرنا ہے تاوقت
 تعمیر نہ ہو تاہم پورا کتبہ منقول کر کے مندرجہ بالا 2/11
 سے واپس کرنا ہے۔ حالانکہ مندرجہ بالا سے
 پانچ سو روپے اور تیس سو روپے نوٹس کا جواب
 دیا گیا ہے۔ جب تک کاروائی ہو رہی ہے اس وقت
 مندرجہ بالا سے واپس کرنا ہے۔
 فیروز شاہی حکم 2/11 عند غنیمت خانہ و مندرجہ بالا
 کی بناء پر قابل مندرجہ بالا ہے۔

۱۰۔ مندرجہ بالا سے پانچ سو روپے اور تیس سو نوٹس کا جواب
 دیا گیا ہے۔ جب تک کاروائی ہو رہی ہے اس وقت
 مندرجہ بالا سے واپس کرنا ہے۔
 فیروز شاہی حکم قابل مندرجہ بالا ہے۔

Altaf
Ghalib

۱۱۔ مندرجہ بالا سے واپس کرنا ہے۔
 مندرجہ بالا سے واپس کرنا ہے۔
 مندرجہ بالا سے واپس کرنا ہے۔

ذہر بیت حکم کی نقل کا بی بند و بار اور کھانا بھی بھولتی جاسکتی
 تھی مگر جلد واقعات سے من سائل کو بلا علم رکھا
 گیا اور بلکہ غیر طور پر جلد کاروائی سرانجام دی گئی
 اسی لئے ذہر بیت حکم قابل منوعی ہے۔

4 - یہ کہ من سائل 26/7 کو مگر پوسٹ 30 میں لیوا
 کینٹیل جبرتی ہوا جو کہ من سائل کی عدت مندرجہ
 حریب پانچ سال سے علاوہ انہیں حکمانہ دیکھوٹ
 وین، ریفرنڈم و متلاف کورس عوام کی ٹریننگ
 بھی کر چکا ہوں بدیں وجہ سائل کم از کم پانچ ماہ
 عدت کھس کا بھی مستحق ہے۔ علاوہ انہیں جبکہ
 من سائل کا والد صحیفہ انور اور بیمار رہتا ہے
 چھکا عورت صاحبہ من سائل کرنا رہا بدیں وجہ سائل
 شخصیت اور سہرا لئی کا حقدار ہے مگر من سائل
 کے سلسلہ رجم و لہنا رویم بھی نہیں اپنا گیا
 اسی لئے ذہر بیت حکم قابل منوعی ہے۔

5 - یہ کہ سائل کا والد صحیفہ انور اور چھوٹے چھوٹے
 بین بھائی ہیں ایک چھار کا کینہہ کا سائل کھل
 ہے (مگر کوئی ذریعہ معاش نہیں گذرا وقت)

برجائے پور فزگار، شکل سے پوری ہے۔ ایسی ہے
سائل رحمت اور شفقت کی دعا کرنا۔

میرا دوست ہے



Mossey Petition کے صفحہ 11/12

تعداد 10.450 سے زیادہ مندرجہ ذیل کے پتوں پر

تفصیل کے ساتھ کہیں بھی ارسال ہو جائے

اور ایسے ہی پتوں پر بھی ارسال ہو جائے

پتوں پر بھی ارسال ہو جائے

مکمل طور پر

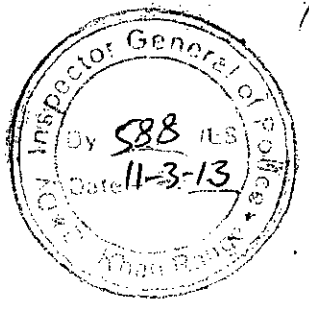
11-08-12

EX کنٹینر میں (قبل) 1755

Sheel

Atksh
Khalifa
AMJ

12



From : The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To : The Deputy Inspector General of Police,
DIKhan Region.

No. 5549 /E-II dated Peshawar the 06 / 13 /2013.

Subject: APPEAL

Memo:

*Sir,
P's attached
J
11/3*

Please refer to your office Memo: No. 684/ES
dated: 22.02.2013.

*11/3/13
11/7*

The application of Ex-Constable Sohail Iqbal No. 1755 of District Police DIKhan for re-instatement in Service has been filed by this office as one appeal lies against the original order which the applicant has already availed.

Your office has filed his appeal vide No. 265/ES dated: 24.01.2013.

The applicant may please be inform accordingly.

Javed Iqbal
(JAVED IQBAL)
Registrar

For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

No. 855/ES dt 11/3/2013

*Copy to Mr. Iqbal
for information w.r to his office Memo
no. 1810 dt 15/1/13. The applicant may be
informed accordingly.*

Atul
Atul
Dy. Inspector General of Police
D.I. Khan Range D.I. Khan

12-16/13

وکالت نامہ

<p>تقت ایک روپیہ</p>	<p>کورٹ فیس</p>
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بعدالت جناب
 سروس ٹرانسپورٹ فریڈم فوڈ اینڈ ڈریسٹریز کمپنی پرائیویٹ لمیٹڈ
 منجانب

مصلحتاً
 نامہ

دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے چھوٹی و بڑی پیشی یا پیشگی رقم کے مقصد پر ایک کاپی
 کو حسب ذیل شرائط پر پیش کرنا ہے کہ پیشی پر خود یا دیگر یہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ مکمل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مطلع یا حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مطلع کو کوئی نقصان پہنچے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عینانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پر داخستہ صاحب موصوف مثل کردہ
 ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کا رویہ وصول کرنے اور سیدہ دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر پیشی یا راضی نامہ فیصلہ بر
 حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور صورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ پیر دن از پکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و آمدگی
 مقدمہ یا مستوفی ڈگری کی طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو شرط امانتیں علیحدہ معائنہ بیرونی کا اختیار ہوگا
 اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ اسکے کسی جزو
 کی کاروائی یا صورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی اور سرے وکیل یا ہر شخص کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمات میں جو کچھ ہر جانب اتواء پر ہوگا، وہ صاحب
 موصوف کا حق ہوگا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کرنا ہوگی۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور اسکی
 صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
 مورخہ 201

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

العبد
 العبد
 العبد
 Sahaf

Accepted
 Sahaf

Before The Service Tribunal, KVK, Camp @ Dikhar

Service App: No — 2013.

Sohail Iqbal vs PPO etc

Application for Condonation of Delay.

Respectfully Stated:-

- 1) That the appellant has preferred subject noted appeal with the Tribunal which is fixed for today.
- 2) That though the appeal has been preferred promptly, however given the fact that copy of order disposing of departmental appeal was received delayed, hence this application.

It is therefore, requested that on gracious acceptance of instant application the delay, if any, may kindly be condoned in interest of justice since the petitioner has a good & prima facie case to his credit on merits.

Humbly.

22/4/13

Sohail Thakur
Thakur
G. R. Arora

AFFIDAVIT:

I, Sohail Iqbal, The Appellant solemnly affirm and declare on oath that contents of the condonation of delay Application are true and best of my knowledge, belief and records. Also, that nothing is willfully kept or concealed from this Honorable Tribunal.

Dated: 22.4.13

Humble Appellant,

Sohail

Sohail Iqbal



23/4/13

Before The Service Tribunal, KKR, Camp @ Dikhan

Service App: No — 2013

Sohail Iqbal vs PPO etc

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Humbly -

22/4/13

Sohail Iqbal
Thru counsel
M. A. Iqbal
M. A. Iqbal

AFFIDAVIT

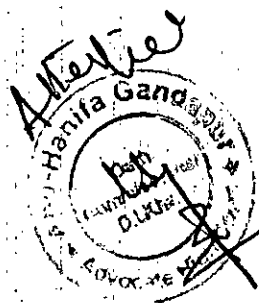
I, Sohail Iqbal, The Appellant solemnly affirm and declare on oath that contents of the condonation of delay Application are true and base of my knowledge, belief and for the records. Also, that nothing is willfully kept or concealed from the Honorable Tribunal.

Dated: 22.4.13

Humble Appellant,

Sohail

Sohail Iqbal



23/4/13

Before The Service Tribunal, KVK, Camp @ Dikhar

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Humbly.

22/4/13

Sohail Iqbal
Thru counsel
Miajiz
MCP

AFFIDAVIT

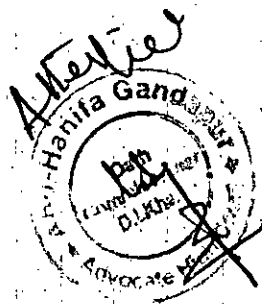
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Humble Appellant,

Sohail

Sohail Iqbal



23/4/13

Before The Service Tribunal, Kkr, Camp Dikha

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Humbly.

22/4/13

Sohail Iqbal
Thru Counsel
Mr. Aziz
Advocate

AFFIDAVIT:

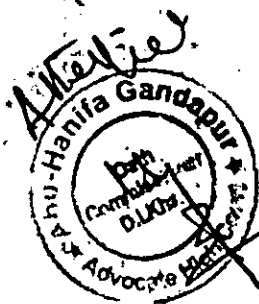
I, Sohail Iqbal, The Appellant solemnly affirm and declare on oath that contents of the condonation of delay Application are True and base of my knowledge, belief and recollections. Also, that nothing is willfully kept or concealed from this Honorable Tribunal.

Dated: 22.4.13

Humble Appellant,

Sohail

Sohail Iqbal



23/4/13

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

Service Appeal No. 677/2013

Sohail Iqbal,
Ex Police Constable No. 1755
S/o Muhammad Iqbal Yousufzai,
r/o Mohallah Jumandan Wala City D.I.Khan.....(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police, D.I.Khan Range D.I.Khan.
3. District Police Officer, D.I.Khan.....(Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action & locus standi.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honourable Tribunal.
7. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.
8. The appeal is not maintainable & incompetent

BRIEF FACTS

1. Correct to the extent that appellant was inducted in Police Department as Constable and posted at District DIKhan, prior to implementation of dismissal order and the appellant had been serving under Respondent No.3, Respondent No.2 was the appellate authority and Respondent NO.1 Command overall authority.
2. Incorrect. The service record of the appellant reveals that he had been dismissed from service vide OB No. 707 dated 22.06.2009 earlier to the present order of dismissal because of disobeying the orders of superior by absented himself from duty when deployed to District Swat for special duty. It shows the conduct of appellant that he dismissed from service twice in a short span of service of about 5-years for not performing his duties and absented himself wilfully. (Dismissal order attached).
3. Incorrect. Infact the appellant while posted to Police Station Paharpur absented himself from lawful duty w.e.from 10.06.2011 to 15.07.2011 & 23.10.2011 to till the order of his dismissal without any leave or permission from higher authorities nor he submitted anything about the illness of his father. The appellant also

admitted in this para that he was incapable of resuming his duty, which reveals his admission towards his wilful absence.

4. Incorrect. Neither the appellant approached to the departmental authority for the grant of leave on the grounds of illness of his father nor his request was turn down.
5. No such information about the mishap of his house being washed away in result of heavy rain has been communicated to the departmental authority by the appellant.
6. Correct to the extent that departmental action on the allegation of wilful absent from duty was initiated and assigned for inquiry to DSP/HQrs. The remaining portion of the para is incorrect. Infact a proper inquiry was initiated by the Enquiry Officer. The appellant received his charge sheet and summary of allegation on 18.10.2011 but he did not bother to submit his reply to the Enquiry Officer. He was summoned by the Enquiry Officer through messages but he did not join the inquiry nor produce any defence in his favour.
7. Incorrect. Infact when the appellant failed to appear before Enquiry Officer inspite of repeated summons/messages the finding report was submitted to the competent authority Respondent No .3 by the Enquiry Officer. Upon which final show cause notice was issued by Respondent No.3 being competent authority which was received by the appellant by hand on 10.01.2012. The appellant even then did not furnish his reply. All the legal formalities have been observed before passing the orders.
8. Correct to the extent that the appellant moved an appeal with Respondent No.2 seeking reinstated in service which was dismissed/rejected by the appellate authority after following proper procedure vide order dated 06.03.2013.
9. The appeal may be treated according to law.

GROUNDS

1. Incorrect. The order was passed by the departmental authority after proper departmental enquiry by following all the legal formalities.
2. Incorrect. The appellant absented himself from duty w.e.from 10.06.2011 to 12.07.2011 & 23.10.2011 to his order of dismissal. In this respect a proper departmental enquiry was initiated against him and he was found guilty of the charged.
3. Incorrect. Infact a proper departmental action was taken against the appellant on wilfull absent from duty and he was found guilty of charged rather he had no defence to produced before the Enquiry Officer due to which even after receipt of his charge sheet and final show cause notice he failed to submit his reply to the authority not he wilfully joined the inquiry proceeding.


Govt: Pleader
Dero J...

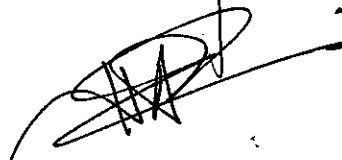
4. Incorrect. The appellant was awarded punishment after proper departmental proceeding and after following all the legal formalities.
5. Incorrect. As per service record of the appellant had about 5-years service in his credit in which he was awarded major punishment of dismissal from service twice because of disobeying the orders of superior and wilfull absent from duty prior to the present punishment.
6. Incorrect. Infact all the legal formalities have been observed and no miscarriage of justice has been caused.
7. Incorrect. No right of appellant guaranteed by constitution have been ignored nor violated the proper procedure.
8. Incorrect. All the legal formalities have been observed under the Law & Rules.
9. The appeal may be treated according to law.
10. Need no comments.


PRAYER

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the Appeal of the Appellant which is devoid of legal footing and merit may graciously be dismissed.

Vetted
Salay
Govt: Pleader
Dera Ismail Khan


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


Dy: Inspector General of Police,
D.I.Khan Range D.I.Khan
(Respondent No.2)


District Police Officer,
Dera Ismail Khan
(Respondent No.3)

Service Appeal No. 677/2013


Sohail Iqbal,
Ex Police Constable No. 1755
S/o Muhammad Iqbal Yousufzai,
r/o Mohallah Jumandan Wala City D.I.Khan.....(Appellant)


Versus

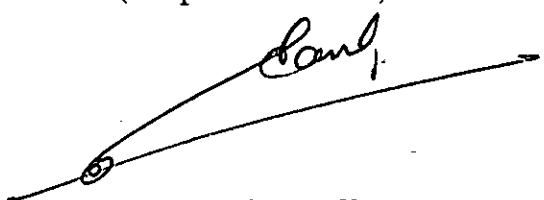
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police, D.I.Khan Range D.I.Khan.
3. District Police Officer, D.I.Khan.....(Respondents)

A U T H O R I T Y

We, the respondents do hereby authorised DSP/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.


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


Dy: Inspector General of Police,
D.I.Khan Range D.I.Khan
(Respondent No.2)


District Police Officer,
Dera Ismail Khan
(Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR.

Service Appeal No. 677/2013


Sohail Iqbal,
Ex Police Constable No. 1755
S/o Muhammad Iqbal Yousufzai,
r/o Mohallah Jumandan Wala City D.I.Khan.....(Appellant)

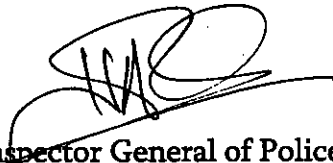
Versus


1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police, D.I.Khan Range D.I.Khan.
3. District Police Officer, D.I.Khan.....(Respondents)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.


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

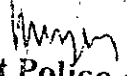

Dy: Inspector General of Police,
D.I.Khan Range D.I.Khan
(Respondent No.2)


District Police Officer,
Dera Ismail Khan
(Respondent No.3)

ORDER 1755

Constable Sohail, 1755 of this District Police, was deployed in district Swat for special duty (3-months) vide PPO NWFP, Peshawar order Fd/Std: No. 3191-94/E-II dated 6.2.09. Constable Sohail, 1755 failed to perform duty in Swat and remained absent. Show cause notice was served on him. His plea of absence was found to be baseless when heard in person in orderly room.

I, MOHAMMAD IQBAL, District Police Officer, Dera Ismail Khan, in exercise of powers conferred upon me under the NWFP Removal from Service (Spl: Powers) Ord: 2000, am satisfied that retention of such a coward Police man in force is not required and am therefore, awarding him major punishment of discharge from service with immediate effect.


District Police officer,
Dera Ismail Khan

SR 708
22.6.09

Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.
Service Appeal No:...677/2012

Sohail Iqbal, Ex-Constl: (Appellant)

Versus

IGP/PPO, KPK etc. (Respondents)

Rejoinder to written statement.

Respectfully, the appellant very humbly submits as under: -

On Preliminary Objections:-

Assertions made by the answering respondents from paras 1 to 8 are distinctively and collectively denied being incorrect, misconceived, against the law, without any substance or proof and an effort to colour the facts according to their own whims yet factually non-sustainable.

On Factual Objections:-

1. Needs no response.
2. The appellant relies on his averments made in corresponding para of his appeal besides law on the subject. There is no order in field to the detriment of the appellant hence the averment in corresponding para of written statement is misconceived thus denied.
3. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
4. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
5. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
6. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal. The procedures adopted by the respondents were in sheer derogation of the prevailing law & rules.
7. Denied being factually and legally incorrect.
8. Needs no reply since being admitted by respondents.
9. Needs no response.

On Objections to Grounds:-

1. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
2. Denied being factually and legally incorrect. The Tribunal may conveniently assess the high handedness of the respondents while dealing with the case of the appellant.
3. Incorrect thus denied.



4. Incorrect yet without any footings / sustenance on part of respondents. The appellant also relies on his averments made in corresponding para of his appeal.
5. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
6. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
7. Denied being factually as well legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
8. Incorrect thus denied. The appellant also relies on his averments made in corresponding para of his appeal.
9. Needs no comments.
10. Needs no comments.

PRAYER:

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

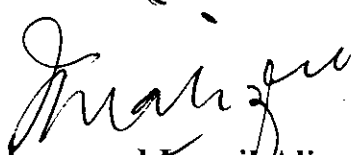
Dated. 26-5 /2015.

Humbly,



(Sohail Iqbal) Appellant,

Through Counsel.



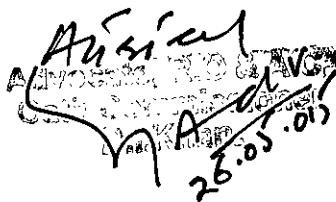
(Muhammad Ismail Alizai)
Advocate High Court.

Affidavit.

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

Dated: 26-5-15

Deponent.



Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.
Service Appeal No:....677 /2012

Sohail Iqbal, Ex-Constl:

(Appellant)

Versus

IGP/PPO, KPK etc.

(Respondents)

Rejoinder to written statement.

Respectfully, the appellant very humbly submits as under: -

On Preliminary Objections:-

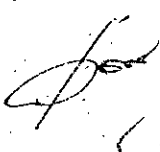
Assertions made by the answering respondents from paras 1 to 8 are distinctively and collectively denied being incorrect, misconceived, against the law, without any substance or proof and an effort to colour the facts according to their own whims yet factually non-sustainable.

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1. Needs no response.
2. The appellant relies on his averments made in corresponding para of his appeal besides law on the subject. There is no order in field to the detriment of the appellant hence the averment in corresponding para of written statement is misconceived thus denied.
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8. Needs no reply since being admitted by respondents.
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9. Needs no comments.
10. Needs no comments.

PRAYER:

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

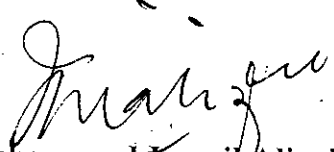
Dated 26.5 /2015.

Humbly,



(Sohail Iqbal) Appellant,

Through Counsel.



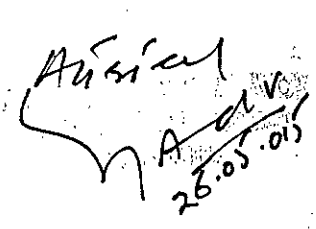
(Muhammad Ismail Alizai)
Advocate High Court.

Affidavit.

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

Dated: 26.5.15

Deponent.



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Dated. 26.5 /2015.

Humbly,

Sohail

(Sohail Iqbal) Appellant,

Through Counsel.

Muhammad Ismail Alizai

(Muhammad Ismail Alizai)
Advocate High Court.

Affidavit.

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

Dated: 26.5.15

*Affidavit
A.O.V.
26.05.015*

Deponent. *Sohail*